

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84501 of 2025

Arising Out of PS. Case No.-204 Year-2025 Thana- BHAPTIAHI District- Supaul

Mukesh Kumar @ Manohar Kumar S/O Lakshman Yadav R/O Vill.- Harirha,
P.S- Kajrain, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 08-01-2026 Learned counsel for the petitioner, at the outset, prays for permission to file the hard copy of the supplementary affidavit across the Bar, by which he seeks to bring on record the correct prosecution story, which was inadvertently and erroneously typed in paragraph no. 5 of the main bail application.

2. Permission is accorded and the same is taken on record.

3. Heard the learned counsel for the petitioner and learned APP for the State.

4. Petitioner, who is in custody, seeks bail in connection with Bhaptiyahi P.S. Case No. 204 of 2025 registered for the offence(s) punishable under Section(s)



30(a) of the Bihar Prohibition and Excise Act.

5. As per the prosecution case, on the basis of secret information that certain persons were smuggling Nepali illicit liquor, the police intercepted two motorcycles, however, one of the riders managed to flee, while the other disclosed his name as Mukesh Kumar (the petitioner). Upon search, a total of 390 litres of Nepali country-made liquor was recovered.

6. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and has no concern whatsoever with the recovered material. It is further submitted that the seized motorcycle does not belong to the petitioner and that the petitioner was apprehended merely on suspicion, whereas the actual culprits managed to escape from the spot. The learned counsel lastly submits that the petitioner has one criminal antecedent and he is in custody since 30.09.2025.

7. The petitioner is willing and undertakes to deposit a sum of Rs. 5,000/- in the account of Lawyers' Association Welfare Benevolent Fund, bearing Account No. 7801893276, IFSC Code: IDIB000L501, Indian Bank,



LNMI Branch, Bailey Road, Patna.

8. The learned A.P.P. has vehemently opposed the prayer for bail.

9. Regard being had to the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection Bhaptiyahi P.S. Case No. 204 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be the local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.



(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. The bail bond of the petitioner shall be accepted by the learned Trial Court on showing receipt of deposit of aforesaid amount with the Lawyers' Association Welfare Benevolent Fund.

11. Accordingly, the prayer for bail is allowed.

12. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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