

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81243 of 2023

Arising Out of PS. Case No.-136 Year-2020 Thana- KUDHNI District- Muzaffarpur

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MUKESH KUMAR @ MUKESH SINGH @ MUKESH KUMAR SINGH
Son of Ramsirtaj Singh R/o vill - Khakhara, P.S. - Kudhani, Distt. -
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Abhay Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Kudhani (Turki O.P.) P.S. Case No. 136/2020 registered for the
offences punishable under Sections 272, 273 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, 263.820 litre foreign
liquor was recovered from house of the petitioner. Petitioner
was not apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case. It is
further submitted that the alleged place of recovery does not



belong to the petitioner rather the house in question from where the recovery has been made is a joint family property. It is further submitted that petitioner is not apprehended on spot and he is not in any way connected with the alleged occurrence. Petitioner bears criminal history of one case in which he is on bail. Petitioner is in custody since 30.09.2023.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise) Court No. II, Muzaffarpur in connection with Kudhani (Turki O.P.) P.S. Case No. 136/2020 , subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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