

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49441 of 2017

Arising Out of PS.Case No. -173 Year- 2017 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Sukhdeo Majhi S/o Late Issu Majhi, R/o Village- Dhabhabwa, P.S.-
Adapur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon

For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 18-10-2017 This application has come at the instance of learned
counsel for the petitioner. It has been submitted by the learned
counsel for the petitioner that though bail was granted to the petitioner
by order dated 13.10.2017 but inadvertently it has been recorded as
“No one appears on behalf of the petitioner. This application is
accordingly, dismissed for non-prosecution.”

Having heard the learned counsel for the petitioner and
learned APP for the State, the order dated 13.10.2017 is recalled.

The petitioner seeks regular bail in connection with
Adapur P.S. Case No. 173 of 2017 registered for offences punishable
under Sections 272, 273/34 of the Indian Penal Code and Section
30(A), 38 of Bihar Prohibition Excise Act.

It has been submitted on behalf of the petitioner that
petitioner has been falsely implicated in this case and the alleged
recovery of 17 liters country made liquor has been made from the road



near the house of the petitioner and not from the conscious possession of the petitioner. Petitioner is suffering in custody for more than four months.

Heard learned A.P.P. also.

Having heard both sides, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, East Champaran, Motihari in connection with Adapur P.S. Case No. 173 of 2017 subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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