

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70544 of 2018

Arising Out of PS. Case No.-138 Year-2018 Thana- SATHI District- West Champaran

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Birendra Mukhiya @ Virendra Mukhiya, S/o Late Munni Lal Mukhia,
Resident of Village- Sonbarsa, Police Station- Gopalpur, District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva
For the Opposite Party/s : Mr. Sri Bisheshwar Ram

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-12-2018 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection with
Sathi P.S. Case No. 138 of 2018, registered for the offence
punishable under Sections 272, 273, 413, 414, 467, 468, 471,
34 of the Indian Penal Code and Sections 30(a), (b) and (c) of
the Bihar Prohibition and Excise Amendment Act, 2016.

The allegation against the petitioner is regarding he
along with the others engaging in the business of
manufacturing of illicit liquor and its transportation.

The learned counsel for the petitioner submits that
the petitioner is innocent and he has been falsely implicated
in the present case. It is further submitted that nothing has
been recovered from the possession of the petitioner herein



and the seizure witnesses are not independent witnesses. The petitioner is stated to be having a clean antecedent and he is languishing in custody since 11.08.2018. It is further submitted that similarly situated co-accused persons have already been granted bail by an order dated 03.12.2018 passed in Criminal Miscellaneous No. 68257 of 2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bonds of Rs. 10,000/-with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran in connection with Sathi P.S. Case No. 138 of 2018, with the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.

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

(Mohit Kumar Shah, J)

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