

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78463 of 2018

Arising Out of PS. Case No.-171 Year-2018 Thana- BENIPATTI District- Madhubani

Narayan Mukhiya S/o Shivnandan R/o Village-Sohans,P.S. Bisfi
Patauna,Distt.-Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 29-01-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Saharghat P.S. Case No.171/2018 registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

Allegation against the petitioner is recovery of 36 litres Nepali Saufi wine from the motorcycle on which he was a pillion rider.

It has been submitted on behalf of the petitioner that neither the motorcycle nor the illicit liquor belong to him and he had taken lift on said motorcycle and was not aware that in the bag illicit liquor has been kept. Petitioner is in custody since 07.10.2018. Petitioner is also accused in case of similar nature.

Considering the nature of offence and the fact that the



petitioner is involved in similar nature of case, I am not inclined to enlarge the petitioner on bail at this stage. As such the prayer for bail of the petitioner is hereby rejected.

However, **after completion of six months in judicial custody**, the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned 2nd Addl. District and Sessions Judge-cum-Special Judge, Excise Act, Madhubani in connection with Saharghat P.S. Case No.171/2018, with 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 properly 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 for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

Sanjay/-

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