

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32941 of 2019

Arising Out of PS. Case No.-2 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

Shivji Mukhiya son of Late Saryu Mukhiya, Resident of Village-Bishanpur,
P.S-Rosera,District-Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Kumari Vandana, Advocate

For the Opposite Party : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 20-05-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Excise
Case No.02 of 2016 registered under Section 47 (a) and (f) of
the Bihar Prohibition and Excise Act, 2016.

It is submitted by the learned counsel for the
petitioner that neither the petitioner was apprehended on the
spot nor any incriminating material was recovered from his
possession. The prosecution report has been filed by the Excise
Officer making allegation that petitioner's *Jawa gur* could not
be seized and brought as the same was destroyed at the place of
occurrence itself. He further contended that the petitioner has
got roots in the society. He is in custody since 03.04.2019 and is
not likely to abscond or tamper with the evidence.



Learned counsel for the State has opposed the application for grant of bail to the petitioner. He contended that some raw materials being used in preparation of country made liquor was recovered from the house of the petitioner and when raid was conducted he managed to escape.

Be that as it may, considering the nature of offence and the submissions made above, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-2nd-cum-Special Judge, Excise Act, Samastipur in connection with Excise No.02 of 2016 subject to the following conditions:-

- (a) that the petitioner shall attend court in accordance with the conditions of the bond executed,
- (b) that the petitioner shall not commit an offence similar to the offence of the present case, and
- (c) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Ashwani Kumar Singh, J)

Md. S/-

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