

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77338 of 2019

Arising Out of PS. Case No.-314 Year-2019 Thana- CHHAURADANO District- East
Champaran

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Babulal Mukhiya, son of late Narsingh Mukhiya, resident of village -
Tikuliya, P.S. - Adapur, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-12-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Chhauradano (Mahuawa) PS Case No.314 of 2019 dated
05.09.2019 instituted under Section 30(a) of the Bihar Excise
and Prohibition Act, 2016.

3. The allegation against the petitioner is that he along
with two others was bringing illicit liquor into Indian territory
from Nepal. It is further alleged that from two jute sacks 210
bottles of 300 ml each of Nepali liquor totalling 63 litres has
been recovered.

4. Learned counsel for the petitioner submitted that
the recovery is not from the conscious possession of the



petitioner and the allegation is that after chase he was caught and two others fled away. It was submitted that the signature of the petitioner on the seizure list has forcibly been taken on the blank paper. Learned counsel submitted that the petitioner has no criminal antecedent and is in custody since 06.09.2019.

5. Learned APP submitted that the petitioner was illegally smuggling liquor from Nepal and has been caught at the spot while trying to run away.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Excise, East Champaran, Motihari, in Chhauradano (Mahuawa) PS Case No.314 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present



before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

J. Alam/-

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