

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6170 of 2019

Arising Out of PS. Case No.-647 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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1. Jhapas Mukhiya Son of Late Khakhan Mukhiya R/o village- Jhauaram , P.S- Dhaka, District East Champaran
 2. Haripujan Son of Tawindra Raut R/o village- Jhauaram , P.S- Dhaka, District- East Champaran
 3. Shankar Mukhiya Son of Jangbahadur Mukhiya R/o village- Jhauaram , P.S- Dhaka, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ansul

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 07-02-2019 Heard learned counsel for the parties.

Petitioners seek bail in Excise Case No.647 of 2018 registered for the offence punishable under Sections 30(a) of the Bihar Prohibition & Excise Act, 2016.

Allegation is recovery of 54 litres Nepali liquor from the possession of the petitioners.

It has been submitted on behalf of the petitioners that they have falsely been implicated in this case as the recovered liquor does not belong to them. Petitioner No.1 is in accused in similar nature of case whereas petitioner Nos. 2 and 3 have no criminal antecedent and they are in custody since 07.11.2018.

Considering the facts and circumstances of the case,



let the **petitioners Nos.2 and 3** named above be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, East Champaran, Motihari, in connection with Excise Case No.647 of 2018, with following conditions:-

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

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

(3) If the petitioners tamper 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 petitioners.

(4) If the petitioners are found involved in similar nature of offences, after their release on bail the trial court shall take steps to cancel their bail bonds.

As far as Petitioner No.1 is concerned, since he is an accused in similar nature of case, I am not inclined to enlarge him on bail at this stage. As such the prayer for bail of petitioner No.1 is hereby rejected.

However, considering the facts and



circumstances of the case, let the **petitioner Nos.1** named above be released on bail after completing **six months in jail custody** upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, East Champaran, Motihari, in connection with Excise Case No.647 of 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)

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