

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 81686 of 2019

Arising Out of PS. Case No.-243 Year-2019 Thana- LAKHNAUR District- Madhubani

1. Raghunath Mukhiya aged about 45 years, Male, Son of Badri Mukhiya
2. Ashok Mukhiya aged about 22 years, Male, son or Raghunat Mukhiya.
Both are resident of Village- Maivi Binwa Tol, P.S.- Lakhnaur, District- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Adv.
For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 11-12-2019 Heard learned counsel for the parties.

Both petitioners seek bail in Lakhnour P.S. Case No. 243 of 2019, corresponding to G.R. No. 1943/19, registered for the offence under Sections 272, 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, there is recovery of 54 liters of Nepali country-made liquor from the possession of the petitioners.

It is submitted on behalf of petitioners that petitioners have falsely been implicated in this case and nothing has been recovered from their conscious possession. He further submits that Section 100 Cr.P.C. has not been followed with respect to search and seizure. There is also no allegation against the petitioners of tampering with the evidence and petitioners



are in custody since 13-10-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II cum Special Judge, Excise Act, Madhubani in connection with Lakhnour P.S. Case No. 243 of 2019, corresponding to G.R. No. 1943 of 2019 on the following conditions:

(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J.)

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