

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 4164 of 2020

Arising Out of PS. Case No.-37 Year-2019 Thana- SATHI District- West Champaran

Sunil Mukhiya 30 Years/Male, Son of Sitaram Mukhiya Resident of Village-
Basantpur, P.S.- Sathi, Distt- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 24-01-2020 Heard learned counsel for the parties.

The petitioner seeks bail in Sathi P.S. Case No. 37 of 2019 registered for the offence under Sections 272, 273, 413, 414, 467, 468, 471/34 of the Indian Penal Code and Sections 30(a), 30(b), 30(c) of Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the informant got information that by the side of Sikrahna river, many persons dealing in illicit liquor have assembled. The police reached there, but on seeing them, the accused persons started fleeing away and thereafter, on chase, one Shiv Balak Mukhiya was apprehended, from whose motorcycle, 50 litres of country-made liquor was recovered. Thereafter, on disclosure made by Shiv Balak Mukhiya, name of petitioner alongwith others has come.

It is submitted on behalf of petitioner that petitioner has falsely been implicated in this case. Save & except disclosure made by co-accused Shiv Balak Mukhiya, there is



nothing against the petitioner. It is further submitted that mandatory provision of Section 100 Cr.P.C. has not been followed with respect to search and seizure. Lastly, it is submitted that one similarly situated accused person has already been granted bail by this Court, vide order dated 18-12-2019 passed in Cr.Misc. No. 70646 of 2019 (Annexure 2) and petitioner is in custody since 17-08-2019.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, West Champaran in connection with Sathi P.S. Case No. 37 of 2019 on the following conditions:

“(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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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