

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3333 of 2020

Arising Out of PS. Case No.-189 Year-2019 Thana- KUNDWACHAINPUR District- East
Champaran

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PRABHU MUKHIYA S/o Late Ranjan Mukhiya R/o village- Kusmahawa,
P.S.- Dhaka, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance

For the Petitioner : Mr. Anil Kumar, Advocate

For the State : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 27-05-2020 Heard learned counsel for the petitioner and learned A.P.P for
the State, through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Kundwa Chainpur P.S. Case no. 189 of 2019 registered under sections 272 and 273 of the Indian Penal Code and sections 30(a) and 41 (1) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R., the accused persons on being asked to stop, threw the sacks that they were carrying on their head and attempted to escape. One of them was caught who happens to be petitioner herein. It is stated that 369 litres of Nepali saufi wine was recovered.

It is submitted by learned counsel for the petitioner that



no recovery as alleged has taken place and he has been falsely implicated in the case. He has no criminal antecedent and is in custody since 7.12.2019.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the fact of the petitioner being in custody for more than five and half years and having no criminal antecedent, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Kundwa Chainpur P.S. Case no. 189 of 2019 on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, East Champaran, Motihari.

(Partha Sarthy, J)

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