

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27964 of 2020**

Arising Out of PS. Case No.-31 Year-2020 Thana- HARLAKHI District- Madhubani

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SANJAY MUKHIYA Son of Late Ramchandra Mukhiya Resident of Village-
Hat Parsa, Police Station- Harlakhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar

For the Opposite Party/s : Mr.A.H. Sahara, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 02-11-2020 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. A.H.

Sahara, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Harlakhit P.S. Case No.31/2020

corresponding to G.R.No.287/2020 registered for the offence

under Sections 272 and 273 of the Indian Penal Code and

Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per

the allegation 27 liters of illicit liquor is said to have been

recovered from the possession of the petitioner, however, the



recovery is from a joint house and several persons are living there. Therefore, no recovery from the conscious possession of the petitioner may be alleged. It is further submitted that the petitioner has no criminal antecedent and has remained in judicial custody since 20.02.2020.

On the other hand, learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case wherein this petitioner has otherwise no criminal antecedent as stated in paragraph '3' of the application and has remained in judicial custody since 20.02.2020, investigation against him is complete, let the petitioner abovenamed be released on bail on furnishing bail bond of Rs.25,000 (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Madhubani in connection with Harlakhi, P.S. Case No.31/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of



the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

