

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 24744 of 2020

Arising Out of PS. Case No.-78 Year-2020 Thana- DARPA District- East Champaran

MITHU MUKHIYA Son of Shivrath Mukhiya Resident of Village -
Chichurhiya, Police Station - Bajrangiya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Anil Kumar, Advocate

For the Opposite Party/s : Ms Meena Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **25-09-2020** As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Darpa Police Station (for brevity, PS) Case No 78 of 2020 instituted for the offence punishable under Sections 272, 273 of Indian Penal Code and Section 30 (a) of Bihar Excise and Prohibition Act.



Alleged recovery of 40 liters of country made liquor has been made from the petitioner while he was moving on a motorcycle.

Petitioner's counsel submits that the petitioner bears a clean antecedent. It is submitted that it is a case of false implication and there is no compliance with the requisite procedure for seizure. He is in custody since 01.06.2020.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, East Champaran at Motihari in Darpa PS Case No 78 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his



bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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