

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14776 of 2021

Arising Out of PS. Case No.-213 Year-2020 Thana- HARLAKHI District- Madhubani

1. INDAL MUKHIYA SON OF SHATRUGHAN MUKHIYA R/o village- Phulhar, P.S.- Harlakhi, District- Madhubani
2. Shrawan Mukhiya S/o Shatrughan Mukhiya R/o village- Phulhar, P.S.- Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Adv

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-08-2021 In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

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

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in connection with G.R. No. 1675 of 2020, arising out of Harlakhi P.S. Case No. 213 of



2020 registered under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2018.

Behind the petitioners' house, as per counsel for the petitioners there is recovery of 450 litres illicit liquor.

Learned petitioners' counsel submits that even as per prosecution case the petitioners cannot be held liable for the recovery which is from behind their house. They are having no criminal antecedents and it is a case of false implication based on dirty village politics. The petitioners are stated to be in custody since 14.12.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners are allowed. Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-Cum-Special Judge, Excise Act, Madhubani in G.R. No. 1675 of 2020, arising out of Harlakhi P.S. Case No. 213 of 2020, subject to the following conditions:-



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

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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