

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18188 of 2021

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

Kripal Mukhiya, Male, aged about 35 years, son of Jiwachh Mukhiya
Resident of village- Fulhar, P.S. Harlakhi, Dist. Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-10-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in Harlakhi PS Case No. 213 of 2020, corresponding to GR No. 1675 of 2020 instituted for the offence under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

From behind the petitioner's house there is recovery of 504 litres country made liquor.

Petitioner's counsel submits that petitioner has no



concern with the alleged recovered substance. Even as per prosecution case, the same has not been recovered either from the petitioner or in his property. Merely on suspicion, he is in custody since 14.12.2020 though he has no criminal antecedents. Co-accused Indal Mukhiya and Shrawan Mukhiya have been allowed bail in Cr. Misc. No. 14776 of 2021.

The learned APP representing the State 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 petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge- II-cum-Special Judge Excise Act, Madhubani, in connection with Harlakhi PS Case No. 213 of 2020, corresponding to GR No. 1675 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.

(Madhuresh Prasad, J)

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