

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18099 of 2021**

Arising Out of PS. Case No.-130 Year-2020 Thana- SAHARGHAT District- Madhubani

MITHILESH KUMAR MUKHIYA @ MITHILESH MUKHIYA Son of
Chote Mukhiya @ Chotu Mukhiya Resident of Village- Basaitha Chandpura,
P.S.- Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms Kumari Shubham, Advocate

For the Opposite Party/s : Mr Uday Chand Prasad, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 22-10-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, APP) appearing for
the State of Bihar.

The petitioner seeks bail in Saharghat Police Station
(for brevity, PS) Case No 130 of 2020/GR No 1467 of 2020
dated 03.11.2020 instituted for the offence punishable under
Sections 272, 273/34 of Indian Penal Code and Section 30 (a) of
Bihar Prohibition and Excise Act, 2016.

36 liters of Nepali liquor has been recovered leading
to the petitioner's arrest.

It is submitted by the petitioner's counsel that



recovery is from the bag which was kept in the motorcycle. Petitioner has become the victim of the circumstances. He has no criminal antecedents and the recovery is not in accordance with law. He is in custody since 03.10.2020.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. 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 Additional Sessions Judge II -cum- Special Judge, Excise Act, Madubani in connection with Saharghat PS Case No 130 of 2020/GR No 1467 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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