

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27104 of 2021

Arising Out of PS. Case No.-17 Year-2018 Thana- BITHAN BAZAR District- Samastipur

1. Pandav Mukhiya Son of Late Lakshmi Mukhiya @ Late Laxmi Mukhiya Resident of Village - Bithan, P.S.- Bithan, Distt.- Samastipur.
2. Kanhaiya Mukhiya @ Kanhaiya Kumar Son of Makeswar Mukhiya @ Makeswar Mukhiya Resident of Village - Bithan, P.S.- Bithan, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar, Adv.

For the Opposite Party/s : Mr. Khurshid Alam, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-12-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 30(a)/30(d) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioners rather 5 kg Jawa from the house of



the petitioner no. 1 and 10kg Jawa from the house of petitioner no. 2 were recovered. He submits that similarly situated co-accused have been granted bail by this Court as annexed at Annexures 1 to 15. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

Petitioners are agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) each in the Patna High Court Legal Services Committee, Patna, bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the facts and circumstances of the case, the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bithan P.S. Case No. 17 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and further conditions:

(1) One of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file



an affidavit stating his relationship with the petitioners.

(2) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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