

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40000 of 2021**

Arising Out of PS. Case No.-33 Year-2021 Thana- DEODHA District- Madhubani

1. VIRENDRA MUKHIYA Son of Late Sinehi Mukhiya.
2. Dev Narayan Mukhiya Son of Late Uppal Mukhiya both Resident of Village- Korhiya, Ward No. 12, P.S.- Devadha, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Thakur, Adv.

For the Opposite Party/s : Mr.Nand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 08-10-2021 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 seek bail in a case registered for the offence punishable under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

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 216 liters of Nepali liquor is



said to have been recovered from the bag. He further submits that petitioners has no criminal antecedent as stated in para-3 of the bail application and they are languishing in judicial custody since 04.04.2021.

Petitioners are agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten Thousand) each in the Chief Minister Relief Fund, Bihar, bearing Account No. 2065104000002257, IFSC IBKL 0002065, IDBI Bank, Kidwaipuri Branch, Patna.

In the facts and circumstances of the case, let the petitioners, above named, be released 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/successor court where the case is pending in connection with Devadha P.S. Case No. 33 of 2021, subject to the 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 deposit of Rs.
10,000.00 (Rupees Ten Thousand) each in the Chief Minister
Relief Fund Bihar.

(Anjani Kumar Sharan, J)

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