

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47285 of 2021

Arising Out of PS. Case No.-415 Year-2020 Thana- ARARIA District- Araria

SHANKAR MUKHIYA Son of Raouni @ Late Shaini Mukhiya Resident of
Village- Garhbanaili, Ghordaur, Police Station- Kasba, District- Purnea,
Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.

For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-12-2021 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

A supplementary affidavit, carrying out necessary
correction in the main application, has been filed on behalf
of the petitioner, which forms part of this application.

The petitioner seeks bail in connection with Araria
P.S. Case No. 415 of 2020 (Special Case No. 455 of 2020)
registered for the offence under Sections 30(a) of the Bihar
Prohibition and Excise Act.

Recovery is of 300.24 liters of foreign liquor.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. In fact, nothing has been recovered



from the conscious possession of the petitioner, which is evident from the F.I.R. itself. Moreover, the co-accused, namely, Bhikhari Mahto and Pappu Kumar Mahto, who have been arrested on the spot, have already been granted bail by a co-ordinate Bench of this Court vide order dated 12.02.2021 and 15.04.2021 passed in Cr. Misc. No. 39152 of 2020 and Cr. Misc. No. 6316 of 2021, respectively. The petitioner is rotting in judicial custody since 16.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that two more cases of similar nature other than the present one have been registered against the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional District and Sessions Judge- II -cum-Special Judge (Excise Act), Araria in connection with Araria P.S. Case No. 415 of 2020 (Special Case No. 455 of 2020) with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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