

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38704 of 2020**

Arising Out of PS. Case No.-275 Year-2018 Thana- BASOPATTI District- Madhubani

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BABLU MUKHIYA Son Late Mahendra Mukhiya Resident of Village - Bin
Tala, Simradhi, P.S. - Basopatti, District - Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Singh,Advocate
For the Opposite Party/s : Mr.Jagdhara Prasad,APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 13-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Jagdhara Prasad, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Basopatti P.S. Case No. 275 of 2018

registered for the offences punishable under Sections 272, 273

of the Indian Penal Code. He is in custody since 29.08.2020.

Learned counsel for the petitioner submits that the

allegation is of recovery of 329 liters of illicit liquor from the

house of the petitioner. It is, however, his submission that the

house is a joint family house and the petitioner has no exclusive

control over the same.



It is submitted that the petitioner has otherwise no criminal antecedent and has remained in custody for almost 11 months, investigation is complete but the trial is not likely to be taken up in near future.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, there being no criminal antecedent of the petitioner and he has remained in custody for 11 months approximately in connection with this case, investigation is complete but the trial is not likely to be taken up in near future, this Court directs release of the petitioner on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District & Sessions Judge-cum-Spl. Judge, Excise Act, Madhubani in connection with Basopatti P.S. Case No. 275 of 2018, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and



(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

