

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7413 of 2021

Arising Out of PS. Case No.-26 Year-2017 Thana- KHIRHAR District- Madhubani

SHATRUGHAN MUKHIYA Son of Bankan Mukhiya Resident of village-
Betauna, Ukma Tola, P.S.- Benipatti, Distt- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Baidya Nath Thakur, Advocate
For the Opposite Party/s : Mr. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-06-2021

In view of sudden surge of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Khirhar PS Case No. 26 of 2017 registered under Sections 272, 273 of the IPC and Section 30(a) of Bihar Prohibition and Excise Act, 2016 .

38.1 liters of illicit liquor has allegedly been recovered from a motorcycle.

Learned Counsel for the petitioner submits that the motorcycle remains unclaimed. It does not belong to him. He has no concern with the alleged recovered intoxicant. The petitioner is in custody since 12.8.2020 and he has no criminal antecedent.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail



bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge -cum- Special Judge, Excise Act, Madhubani in Khirhar PS Case No. 26 of 2017 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.

(Madhuresh Prasad, J)

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