

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3723 of 2022

Arising Out of PS. Case No.-369 Year-2021 Thana- NAUTAN District- West Champaran

UPENDRA MUKHIYA, S/o Late Raj Nandan Mukhiya Resident of Village-
Bariyarpur, Mangalpur Kala, P.S.- Nautan, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the State : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-06-2022 Heard the learned counsel for the petitioner and

the State.

The petitioner seeks bail in connection with Nautan
P. S. Case No. 369 of 2021, registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per allegation, approximately 172.800 litres of
liquor was recovered from a sugarcane field, which is alleged
to have been kept by the petitioner and his associate.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
the present case that too on the basis of suspicion. Nothing
has been recovered from the conscious possession of the



petitioner. He has further submitted that alleged liquor has been recovered from a sugarcane field, which does not belong to the petitioner.

The petitioner is in custody since 26.09.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved before this Hon'ble High Court for grant of regular or anticipatory bail.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Bettiah, West Champaran, in connection with Nautan P. S. Case No. 369 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.



(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.



The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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