

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6104 of 2022

Arising Out of PS. Case No.-145 Year-2021 Thana- BITHAN BAZAR District- Samastipur

RAMSAKAL MUKHIYA Son of Late Bahoran Mukhiya Resident of Village
- Parbakhari, P.S. - Bithan, District - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar

For the Opposite Party/s : Ms.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

3 10-08-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for
the offences punishable under Sections 272, 273/34 of the
Indian Penal Code and section 30(a) of Bihar Prohibition and
Excise Act

As per allegation, 268.54 liters of foreign liquor was
recovered from a hut situated near residential hut of the
petitioner.

The main submissions advanced by Sri Kundan
Kumar, the learned counsel appearing for the petitioner are that
petitioner has been languishing in jail since 22.9.2021 and as per
FIR the alleged liquor was recovered from a hut situated near



residential hut of the petitioner and said hut is actually located at a dam and the petitioner had no role in the alleged activity of wine, against him, investigation has been completed and he has got no criminal antecedent. Further submission is that petitioner is 58 years old and the main allegation is against his son.

Learned APP Smt. Renu Kumari has opposed the prayer for bail.

Heard both sides, perused the FIR and seizure list attached with FIR. Petitioner has got no criminal antecedent and he is 58 years old as stated and as per FIR, main allegation is against his son and he is alleged to have indulged in the alleged activity of wine as care taker.

Considering these facts as well as petitioner's custody period, petitioner deserves a lenient approach. Accordingly, petitioner is directed to 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 the Addl. Sessions Judge II-cum- Special Judge, Excise Act, Samastipur in Bithan P.S Case No. 145 of 2021.

(Shailendra Singh, J)

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