

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12066 of 2022

Arising Out of PS. Case No.-439 Year-2021 Thana- NAUTAN District- West Champaran

1. NANDU MUKHIYA S/o Late Mathur Mukhiya R/o Village- Laxmipur P.S.- Nautan, District- West Champaran.
2. BIRAN MUKHIYA @ VIRAN MUKHIYA S/o Late Rajgovind Mukhiya R/o Village- Laxmipur P.S.- Nautan, District- West Champaran.
3. MANAGER DHANGAD @ MAINEJAR MUKHIYA S/o Suraj Dhangad R/o Village- Bhediharwa, P.S.- Nautan, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State, through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Nautan P.S. Case No. 439 of 2021 registered for the offence under Section 30(a) and 30(D) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 21.11.2021.



The allegation against the petitioners is to be engaged in illegal trade of illicit liquor, where, there was total recovery of 40 litres of illicit liquor.

Learned counsel appearing on behalf of the petitioners submitted that alleged recovery of illicit liquor has been made from the open place near Durga Mandir, which is not belonging to the petitioners. It has further been submitted that petitioner no.1 is involved in 3 cases, petitioner no.2 is involved in 4 cases, and petitioner no.3 is involved in 3 cases of similar nature, where petitioners are on bail, except petitioner no.1. It has further been submitted that mandatory provision under Section 100 of Cr.P.C. has not been complied with. While concluding the argument, it has been submitted that investigation of this case has completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that alleged recovery has been made from the open place.

Considering the facts and circumstances as mentioned above, as alleged recovery has been made from open place having no connection with petitioners coupled with the fact that



charge-sheet has already been submitted in this case, let the petitioners, above named, are directed to be released on bail in connection with Nautan P.S. Case No. 439 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran subject to the following conditions:

“(i) That petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioners.

(ii) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners duly supported by the documents.

(iii) That one of the bailors shall be Chhogur Mukhiya @ Chhangur Mukhiya, who is the cousin of the petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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