

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12704 of 2022

Arising Out of PS. Case No.-398 Year-2021 Thana- ALOULI District- Khagaria

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AMARJEET MUKHIYA, Son of Chotan Mukhiya Resident of Village-
Machhara, Lahtorba, Ward No. 10, P.S.- Alouli, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shekhar Kumar Singh

For the Opposite Party/s : Mr.Syed Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Alouli

P.S. Case No. 398 of 2021 dated 07.11.2021, registered for

the offences punishable under Sections 30 (a) of Bihar

Prohibition and Excise Act, 2018.

As per allegation, 10 litres of country made liquor

kept in a plastic bag was recovered from a hut.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

this case. It is further submitted that nothing has been

recovered from the conscious possession of the petitioner



and the seizure list was not prepared as per the provisions provided by Cr. P.C. He also submits that the said liquor and other materials were recovered from the house which is in joint possession.

The petitioner is in custody since 08.11.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Hon'ble Court for grant of Anticipatory Bail or Regular Bail.

It has further been stated that the petitioner has been made accused in Alouli P.S. Case No. 114 of 2019, instituted for the offences punishable under Section 30 (a) of Bihar Prohibition and Excise Act, 2018, in which he has been granted Anticipatory Bail by a Bench of this Court.

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

Considering the 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 Additional District Judge - 1st,



Khagaria in connection with Alouli P.S. Case No. 398 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 criminal antecedent other than the disclosed one, 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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