

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 20773 of 2022

Arising Out of PS. Case No.-399 Year-2021 Thana- BIRPUR District- Supaul

RAJU MUKHIYA @ RAJU KUMAR MUKHIYA S/o Mahavir Mukhiya R/o
village- Basantpur, Ward No. 11, P.S.- Birpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Birpur
P.S. Case No. 399 of 2021 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

As per prosecution case, there is alleged recovery
of 35.4 litres illicit Nepali liquor from the motorcycle in
question. The co-accused namely Sanjiv Rajak was apprehended
on the spot and disclosed the name of the petitioner who fled
away from the place of occurrence.

Learned counsel for the petitioner submits that



petitioner is in custody since 18.01.2022 and bears criminal antecedent of three cases of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the story as alleged in the FIR is a false and concocted story and the alleged recovery was planted by the police in order to implicate the petitioner. The petitioner was not apprehended on the spot.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, the petitioner was not apprehended on the spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ cum Special Judge (Excise)-II, Supaul in connection with Birpur P.S. Case No. 399 of 2021, subject to following conditions:-

- (i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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