

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24096 of 2022

Arising Out of PS. Case No.-28 Year-2021 Thana- PIPRA District- East Champaran

JAIMANGAL MUKHIYA S/o Gujar Mukhiya Resident of Village- Kuarpur,
P.S.- Pipra, District- East Champaran at Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Pipra Police Station Case No. 28 of 2021, registered for the offences punishable under Sections 272/273/414 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

This is the second attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer for regular bail of the petitioner was dismissed as withdrawn, vide order, dated 04.01.2022, passed in Criminal Misc. No. 35074 of 2021, giving liberty to the petitioner to renew his prayer for bail after three months from the date of the order.

The prosecution case, as per the First Information



Report, is that 30 litres of illicit country-made liquor was recovered from the house of the petitioner. The police also recovered one motorcycle from the place of occurrence, which was alleged to have been stolen motorcycle.

Learned Counsel for the petitioner submits that the petitioner has renewed his prayer for bail after three months, as observed by this Court in the order dated 04.01.2022. He further submits that the petitioner has falsely been implicated in this case by the police with oblique motive and he has not committed any offence in the manner alleged. He further submits that from the impugned order, it would be evident that the petitioner is the owner of the motorcycle in question and the illicit liquor has been recovered from the door of the house of the petitioner and the petitioner was not arrested at the spot. He further submits that the petitioner is in custody since 24.02.2021 and charge sheet has already been submitted against him and as such there is no apprehension that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the observation of this Court and the fact that charge sheet has been submitted, illicit liquor has not been recovered from the conscious



possession of the petitioner, the petitioner is in custody since 24.02.2021 and this is second attempt for bail on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, East Champaran, at Motihari, in connection with Pipra Police Station Case No. 28 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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