

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38679 of 2021

Arising Out of PS. Case No.-48 Year-2021 Thana- DEODHA District- Madhubani

1. Jitendra Mukhiya S/O Dipan Mukhiya
2. Shushil Mukhiya S/O Nirmal Mukhiya
Both R/o village- Simradhi, P.S.- Basopatti, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Adv.
For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-01-2022 Heard learned counsel for the petitioners as well as
learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioners who are in custody since 06.05.2021 seek
bail in connection with Deodha P.S. Case No.48 of 2021
corresponding to G.R. No.773/2021 registered for offence
punishable under Sections 272, 273/34 of the Indian Penal Code
and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Prosecution case in brief, is that altogether 180 liters
of Nepali country-made liquor was recovered near a pond in
Gadha village. Petitioners were found present at the time of
seizure and they are surrendered accordingly.



Learned counsel appearing on behalf of the petitioners submit that petitioners have been falsely been implicate in the present case on the basis of statement of *chowkidar* of the village, who is inimical terms with these two petitioners and he further submits that nothing has been recovered from the conscious possession of the petitioners.

Learned counsel for the State, however, opposes the prayer for grant of bail to the petitioner.

Considering the afore-mentioned facts and circumstances of the case, this Court directs nothing having been recovered from the conscious possession of the petitioners, learned lower court is directed to verify the criminal antecedent of the petitioners as to whether any other criminal case is pending against them, and upon being satisfied, it is directed that petitioners, above named, be released on regular bail on furnishing bail bond of Rs.2,00,000/-(Rupees Two Lac) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Ind -cum- Special Judge, Excise Act, Madhubani in connection with Deodha P.S. Case No.48 of 2021 corresponding to G.R. No.773/2021, subject to the following conditions:-

- (1) Bailor should be local having sufficient



immovable property within the jurisdiction of the court concerned.

(2) One of the bailor should be the wife of the above two petitioners.

(3) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

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

(5) If the petitioners are found involved in similar nature of offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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