

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43682 of 2021

Arising Out of PS. Case No.-277 Year-2019 Thana- BENIPATTI District- Madhubani

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RAMCHANDRA MUKHIYA Son of Ramvilash Mukhiya Resident of Village
- Batauna Ukma Tola, P.S.- Benipatti, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratanakar Jha
For the Opposite Party/s : Mr.Mohammed Arif

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-02-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Benipatti Police Station Case No. 277 of 2019, registered for the offences punishable Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that the police, on the basis of secret information, proceeded towards the place of occurrence where three persons were standing near a motorcycle and seeing the police, they started fleeing away, however, one person, Vijay Kumar Mukhiya, was apprehended by the police and two others persons succeeded in fleeing away. The name of the petitioner was disclosed by the arrested co-accused, Vijay Kumar Mukhiya,



and the police recovered a total quantity of 72 litres of illicit liquor from the motorcycle and 222 litres of illicit liquor from the bank of bundh.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case and no illicit liquor has been recovered from the conscious possession and/or vehicle or premises belonging to the petitioner. He further submits that the name of the petitioner has transpired on the basis of disclosure of his name by the arrested co-accused, Vijay Kumar Mukhiya and co-accused Vijay Kumar Mukhiya has been granted bail by the Court, vide order passed in Criminal Misc. No. 76293 of 2019 and similarly situated another co-accused person has been granted bail by this Court, vide order passed in Criminal Misc. No. 3310 of 2020. He further submits that the petitioner is in custody since 11.07.2021, having no criminal antecedent, and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioner has got no criminal antecedent, no illicit liquor has been recovered



from the conscious possession and /or vehicle or premises belonging to the petitioner, similarly situated co-accused persons have been granted bail by this Court, he is in custody since 11.07.2021, charge sheet has already been submitted and there is no likelihood of the trial being concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Madhubani, in connection with Benipatti Police Station Case No. 277 of 2019.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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