

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43063 of 2021

Arising Out of PS. Case No.-144 Year-2021 Thana- HARLAKHI District- Madhubani

BINDE MUKHIYA Son of Late Manjhi Mukhiya Resident of Village- Barhi,
P.S.- Harlakhi, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

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

Petitioner who is in custody since 04.06.2021 seeks
regular bail in connection with Harlakhi P.S. Case No. 144 of
2021, G.R. No. 909 of 2021 registered for offence punishable
under Sections 272, 273/34 of the I.P.C and Section 30(a) of the
Bihar Prohibition and Excise Act, 2018.

Prosecution case in brief is that altogether 242.400
litres of Nepali liquor was recovered which was being carried in
six bags by some unknown persons who, on seeing the raiding
team, were fled away but the petitioner was apprehended.



Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from the conscious possession of the petitioner and he has got no criminal antecedent. He further submits that petitioner has falsely been implicated in this case and he is the labourer and sole bread earner of the family and is languishing in custody since 04.06.2021.

Learned A.P.P., however opposes the prayer for bail.

Considering the above mentioned facts and circumstances of the case and the petitioner having no criminal antecedent as well as nothing was recovered from his conscious possession, the petitioner is directed to be released on bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise Act, Madhubani in connection with Harlakhi P.S. Case No. 144 of 2021, G.R. No. 909 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(iii) If the petitioner tempers 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 petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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