

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36585 of 2022

Arising Out of PS. Case No.-410 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

Raju Mukhiya Son Of Chinta Mukhiya @ Kapildev Mukhiya R/O Village-
Bangra Nijamat, P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Manoj Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Sahebganj P. S. Case No. 410 of 2019 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30 (a) (d) (g) and 41(1) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the allegation against the petitioner is to be involved in trading and



manufacture of illicit liquor. On search, 200-300 litres solution of Mitha & Mahua and other utensils as well as apparatus were recovered from Nijamat Diyara. It is further alleged that the name of the petitioner has been disclosed by the village Chaukidar.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious or constructive possession and moreover, the alleged recovery has been made from Diyara place, which is accessible to all. It is further submitted that because of past criminal antecedent, his name has been implicated in this case and save and except the disclosure made by local Choukidar, there is no other material. It is also submitted that co-accused person, having identical allegation has already been granted bail by learned coordinate Bench of this court. He last submits that the petitioner is suffering incarceration since 13.04.2022.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the fact that the alleged recovery has been made from Nijamat Diyara and the petitioner was neither arrested at the spot nor any incriminating material



has been recovered from his conscious or constructive possession and other co-accused person having identical allegation has already been granted bail by learned coordinate Bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court-II, Muzaffarpur in connection with Sahebganj P. S. Case No. 410 of 2019, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal



antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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