

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46400 of 2021**

Arising Out of PS. Case No.-13 Year-2014 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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RAJENDRA MUKHIYA S/o LATE JAGDEV MUKHIYA R/o VILLAGE-
GORIYARI, P.S- SINGHIA, DISTRICT-SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Adv
For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-01-2022 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 06.06.2021 seeks
regular bail in connection with Excise Case No. 13 of 2014
registered for offence punishable under Section 47(a)(f) of the
Excise Act, 1915.

Prosecution case in brief is that on the basis of secret
information, excise officials raided the house of the petitioner
on 13.12.2013 and recovered 10 litres of country-made liquor
and 150 Kg. Jawa mahua flower and seizure list was prepared.



Learned counsel appearing on behalf of the petitioner submits that petitioner has moved before this Court for grant of anticipatory bail which was rejected vide order dated 16.12.2014 passed in Cr. Misc. No. 29378 of 2014. He further submits that petitioner was required to surrender before the Court below and having not done the same has violated the order of this Court. However, no reason has been given by the pairvikaar as to why the petitioner has not surrendered before the Court below but taking into consideration the poor health of the petitioner as well as his age, this Court may consider to enlarge the petitioner to regular bail sympathetically.

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

Considering the facts and circumstances of the case as well as penal provision as contained in Section 47(a)(f) of the Bihar Prohibition and Excise Act, 1915, the punishment provided for the first offence is imprisonment for a term of not less than three months and for the second offence imprisonment shall not be less than six months and the ill health of the petitioner and his age, the Court below is directed to enlarge the petitioner to 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 A.D.J.-II-cum-Special Judge, Excise



Act, Samastipur in connection with Excise Case No. 13 of 2014
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 tampers 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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