

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38514 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- JAYNAGAR District- Madhubani

1. Tetar Mukhiya Son of Vishnudev Mukhiya Resident of village- Dorbar Brahamotara, P.S.- Jaynagar District- Madhubani
2. Doma Mukhiya Son of Kapileshwar Mukhiya Resident of village- Dorbar Brahamotara, P.S.- Jaynagar District- Madhubani
3. Umesh Mukhiya Son of Gangai Mukhiya Resident of village- Korhiya, P.S.- Jaynagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.
For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-08-2022 Let the defect, if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek regular bail in connection with Jaynagar P.S. Case No. 104 of 2022 (G.R. No. 534 of 2022) lodged under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, total recovery of excise material in the present case is 1116 litres Nepali sharab.

Learned counsel for the petitioners submit that the

present case has been filed against 3 known and 25-30 unknown persons. As per the prosecution, the recovery of 45 litres each have been made from all the 3 petitioners. He submits that petitioners are in custody since 09.04.2022, charge sheet has already been filed and they all having clean antecedent.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 2nd, -Cum-Special Judge, Excise, Madhubani in connection with Jaynagar P.S. Case No. 104 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall

file affidavit before the court about his relation with the petitioners.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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