

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39355 of 2022

Arising Out of PS. Case No.-54 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Ramadhar Mukhiya, S/o Late Sanichar Mukhiya, R/o village- Bhith, Ward
No. 12, P.S.- Bhagwanpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Bipin Kumar, learned counsel for the
petitioner and learned APP for the State through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Excise P.S. Case No. 54 of 2022 for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

As per prosecution case, allegation against the
petitioner of being engaged in selling illicit wine, the police
conducted a raid and from Verandah of the petitioner, 11 litres of
country made liquor was recovered.



Learned counsel appearing on behalf of the petitioner submits that the alleged recovery has been made from a joint residential house, where several persons reside and the petitioner cannot be held responsible for the same. He next submits that only because of the past criminal antecedent of similar nature, his name has been implicated in this case, though he is on bail in all the four cases. He next submits that the petitioner is an old man, aged about 70 years and he is in custody since 10.04.2022, though the investigation of the crime is completed and the charge sheet has already been submitted.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the Verandah of a joint residential house and the petitioner is in custody since 10.04.2022, apart from the fact that he is on bail in all the other cases, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court-2, Begusarai in connection with Excise P.S. Case No. 54 of 2022 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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