

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48177 of 2021**

Arising Out of PS. Case No.-503 Year-2018 Thana- JAYNAGAR District- Madhubani

Birendra Mukhiya S/O Sinehi Mukhiya R/O Village-Korahiya, P.S-Jaynagar,  
District-Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shailendra Kumar Jha, Adv.

For the Opposite Party/s : Mrs. Renuka Ratnakar, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      13-01-2022                      The matter has been listed today for consideration  
through virtual mode.

Heard learned counsel appearing on behalf of the  
petitioner as well as learned Additional Public Prosecutor  
appearing for 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 14.07.2021 seeks  
bail in connection with Jaynagar P.S. Case No.503 of 2018,  
corresponding to G.R. No.1299/2018 registered for offence  
punishable under Section 272, 273, 414/34 of the Indian Penal  
Code and 30(a) of Bihar Prohibition of Excise (Amendment)  
Act, 2018.

Prosecution case in brief, is that during patrolling, the  
informant being a police officer received information that illicit



Nepali liquor is being stored, whereupon, the police reached on the spot and on seeing the police, all the persons started fleeing away but on chase being made, one person was apprehended and 319.5 liters of illicit Nepali liquor loaded on a motorcycle was recovered. The apprehended person disclosed his name as Shailendra Yadav @ Phokan.

Learned counsel appearing on behalf of the petitioner submits that the recovery cannot be treated from conscious physical possession of the petitioner. It has further submitted on behalf of the petitioner that vide Annexure-2 Series, he has brought on record the bail order of accused Shailendra Yadav, on whose confessional statement the name of the petitioner and other co-accused has been roped in the present case, has already been released on bail vide order dated 13.12.2018 passed in Cr. Misc. No.73756/2018.

Learned APP for the State vehemently opposes the prayer for grant of bail to the petitioner.

Considering the afore-mentioned facts and circumstances and of the case and in view of the statement made in paragraph no.3 of the bail petition, it is directed that the court below shall verify the criminal antecedent of the petitioner and if no other criminal case or excise case is pending against the



petitioner as what has been stated in paragraph no.3 of the bail petition, the petitioner, above named, be released on bail on furnishing bail bond of Rs.1,00,000/-(Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Second Additional Sessions Judge-cum-Special Judge, Excise Act Madhubani, Madhubani in connection with Jaynagar P.S. Case No.503 of 2018, corresponding to G.R. No.1299/2018, subject to the following conditions:

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

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tamper 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 petitioners.

(4) If the petitioner is found involved in similar nature of offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

**(Purnendu Singh, J)**

Prakash Narayan /-

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