

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40582 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- ANDHRAMATH District- Madhubani

Rambalak Mukhiya Son of Upendra Mukhiya Resident of village- Braular @
Baruwar. P.S.- Andhramath, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Adv

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through
video conferencing.

Petitioner seeks bail in a case registered in
connection with Andramath P.S. Case No. 89 of 2022 for
the offences punishable under Sections 30(a), of the Bihar
Excise (Prohibition) Amendment Act.

The police in course of patrolling, intercepted Tata
Sumo vehicle and the petitioner while sitting in the vehicle
was apprehended and on search total 630 liters Nepali
country made liquor was recovered.



Learned counsel for the petitioner submits that the petitioner has neither any concern with the vehicle nor with the illicit liquor however on the fateful day, while he was coming from his village, he took lift on the said vehicle and in the meantime, police conducted a raid and he was apprehended. He further submits that the petitioner having fair antecedent is in custody since 06.06.2022, though investigation of the crime is already completed and the charge sheet has been submitted. Further, there is no compliance of section 100(4) of the Code of Criminal Procedure in as much as there is no independent witness to the seizure list.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submission made on behalf of the parties and considering the fact that the investigation of the crime is already completed and the charge sheet has been submitted and the petitioner having fair antecedent is in custody since 06.06.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like



amount each to the satisfaction of learned Special Judge, Excise, Jhanjharpur in connection with Andramath P.S. Case No. 89 of 2022, subject to the condition that one of the bailors will be the close relatives 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.

(Harish Kumar, J)

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