

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42701 of 2022

Arising Out of PS. Case No.-116 Year-2021 Thana- BHAPTIAHI District- Supaul

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Gultan Mukhiya @ Yogendra Mukhiya, Son of Taiter Mukhiya, Resident of
Village - Kodhali (Ward no.6), P.s.- Bhaptiyahi, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sessions Trial No. 1004 of 2021 arising out of Bhaptiyahi P.S. Case No. 116 of 2021 registered for the alleged offences under Sections 25(1-b)a, 26 and 35 of the Arms Act, Section 33 of the Forest Act and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, during a raid conducted on the house of the petitioner, from the search of one hut, a country made pistol containing a used cartridge, one sword and one horn



of deer were recovered. From another hut, total 179.4 litres of Nepali country made liquor was recovered.

The learned counsel for the petitioner submits that during search and seizure, there has been no compliance of Section 100 of Cr.P.C. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner is having no criminal history and he is in custody since 22.02.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that recovery has been made from the house of this petitioner.

Having regard to the submissions made on behalf of the parties and considering the period of custody and submission of charge-sheet against this petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, (Excise) Court No.-I, Supaul in connection with Sessions Trial No. 1004 of 2021 arising out of Bhaptiyahi P.S. Case No. 116 of 2021, subject to the other conditions under Section 437(3) of the Cr.P.C. and following conditions:

- (i) One of the bailors will be Tater Mukhiya,



father of the petitioner, who has sworn the affidavit.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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