

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41685 of 2022

Arising Out of PS. Case No.-110 Year-2022 Thana- SIKARPUR District- West Champaran

Jamiraka Mukhiya S/o Late Sukhram Mukhiya Narayan R/o village-
Fulwariya, P.S.- Shikarpur, District- West Champaran (Bettiah), Bihar

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-09-2022 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. Anant Kumar Mishra, learned counsel for the petitioners and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Shikarpur P.S. Case No. 110 of 2022 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act 2016.

The police on a secret information that the petitioner and co-accused persons having been engaged in trade of illicit wine, concealed the same in a wheat field, raided the place of occurrence and on search total 50 litres of illicit liquor was recovered from the wheat field of Reyazul Ansari.



Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at spot nor any incriminating material has been recovered from his person or possession and so far the recovery of country made illicit wine is concerned, the same has been recovered from a wheat field, which belongs to Reyazul Ansari, which is an open place, accessible to all. He next submits that only because of one past criminal antecedent, his name has been implicated in this case, though the petitioner has neither any concern with the field from where recovery has been made nor with the illicit wine and now he is in custody since 15.03.2022, though the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand learned APP for the State vehemently oppose the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at spot nor any incriminating material has been recovered from his person or possession and, moreover, the alleged recovery has been made from field of co-accused Reyazul Ansari with whom the petitioner has no concern and, moreover, the investigation of the crime is completed and



charge-sheet has been submitted, 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, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 110 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.

(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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