

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42135 of 2022

Arising Out of PS. Case No.-40 Year-2021 Thana- JAYNAGAR District- Madhubani

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DHARMENDRA KUMAR MUKHIYA Son of Om Prakash Mukhiya
Resident of Village - Jaynagar Bazar Simiti Mallah Tole, P.s.- Jaynagar,
Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-11-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State in virtual Court proceeding.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 414 of IPC and Section 30(a) of the Bihar Prohibition and Excise Act 2016.

Recovery is of 90 liters of Nepali liquor.

Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that it appears from the FIR



itself that the alleged liquor has been recovered from the land of co-accused, namely, Balbhadra Sharma and the petitioner has no concern at all with the co-accused person or the alleged liquor. Further submits that the petitioner is neither the owner nor the driver of the motorcycle in question and the petitioner's name has come on the basis of the suspicion and the co-accused namely, Om Prakash Mukhiya has been granted privilege of anticipatory bail vide order at Annexure-2 to this bail petition by a Coordinate Bench of this Hon'ble Court.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Jaynagar P.S. Case No. 40 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(2) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner have concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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