

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43685 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- BIRPUR District- Supaul

ANIL KUMAR MUKHIYA @ ANIL KUMAR SON OF KUSHESHVAR
MUKHIYA R/O VILLAGE- KATIYA POWER HOUSE, WARD NO.-05,
P.S.- BIRPUR (BHIMNAGAR O.P.), DISTRICT- SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Adv.

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Birpur
(Bhimnagar O.P.) P.S. Case No. 138 of 2022 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

As per prosecution case, there is alleged recovery
of 354 litre Nepali liquor from the Auto and two motorcycles in
question. Police got secret information that petitioner called an
Auto near his furniture shop for loading the alleged wine near
the house of Surendra Mandal.



Learned counsel for the petitioner submits that petitioner is in custody since 17.05.2022 and bears no criminal antecedent. Learned counsel specifically submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that neither petitioner has been arrested at the place of occurrence nor any incriminating article has been recovered from his conscious possession. Petitioner has no concern with the alleged recovered liquor and vehicle.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned In-charge, Special Judge, Excise, Court No. 2, Supaul/concerned court in connection with Sessions Case No. 239/22 arising out of Birpur (Bhimnagar O.P.) P.S. Case No.



138 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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