

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44346 of 2022

Arising Out of PS. Case No.-100 Year-2022 Thana- PIYAR District- Muzaffarpur

1. RAMU MISHIR @ RAMU MISHRA,
2. Md. Mustak Son of Md. Edrish,
Both are Residents of village- Ratmaniya, P.S- Piar, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-09-2022 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 petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Piar P.S. Case No. 100/2022 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of total 60 liters illicit toddy from the hut of co-accused, Rajendra Mahto. The petitioners and others apprehended on the spot.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this



case merely on suspicion. Nothing has been recovered from the conscious possession of the petitioners. Learned counsel for the petitioner further submits that the petitioners were no concern with the seized liquor (toddy). Seizure list has not been prepared as per law. The petitioners are languishing in custody since 14.05.2022 and bear no criminal antecedent.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody and keeping in view clean antecedent of petitioners and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.-II, Muzaffarpur in connection with Piar P.S. Case No. 100/2022, 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) Petitioners 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 petitioners tamper 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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