

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44108 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- ARER District- Madhubani

BAUEJEE MUKHIYA S/o Sonafi Mukhiya R/o village- Kushmaul, P.S.-
Arer, District- Madhubani, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Thakur

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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

The petitioner seeks bail in connection with Arer
P.S. Case No. 30 of 2022 registered for the offences punishable
under Sections 272, 273, 34 of the I.P.C. and Section 30(a) (d)
of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the police official got
secret information to this extent that petitioner and co-accused
are engaged in preparing illicit liquor and when police official
reached near the house of petitioner, seeing the police team the
accused persons succeeded in fleeing away from the place of
occurrence. Thereafter search of the house in question was made



and 20 litre illicit liquor along with equipment has been recovered.

Learned counsel for the petitioner submits that petitioner is in custody since 14.06.2022 and bears criminal antecedent of two cases of similar nature. He further submits that petitioner is not apprehended on the spot. Seizure list has not been made as per law. Nothing has been recovered from conscious possession of the petitioner.

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, petitioner is not apprehended on the spot and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II cum Special Judge, Excise Act, Madhubani in connection with Arer P.S. Case No. 30 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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