

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50739 of 2022

Arising Out of PS. Case No.-305 Year-2020 Thana- JAYNAGAR District- Madhubani

Lakshman Mukhiya @ Lakshmi Mukhia Son Of Ayodhi Mukhiya R/O
Village- Kamlabari, P.S.- Jay Nagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Jay Nagar P.S. Case No. 305 of 2020 registered
for the alleged offences under Sections 272, 273 and 414 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

As per prosecution case, recovery of 72 litres of
Nepali liquor was made on the border of India and Nepal from
six motorcycles and the petitioner is stated to be the owner of
one of the motorcycles and is alleged to have fled away from the
spot when the police tried to intercept the motorcycles.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. Though the petitioner is the owner of the motorcycle but same went missing when the petitioner parked it in the market on the fateful day. Other co-accused Shiv Kumar Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 02.02.2021 passed in Cr. Misc. No. 37472 of 2020. The petitioner is in custody since 13.06.2022 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty 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 Jay Nagar P.S. Case No. 305 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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