

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56807 of 2022

Arising Out of PS. Case No.-177 Year-2022 Thana- BENIPATTI District- Madhubani

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Dular Mukhiya Son Of Kamal Mukhiya R/O Village- Muraul, P.S.- Bajpatti,
Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.

For the Opposite Party/s : Ms. Anita Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Benipatti P.S. Case No. 177 of 2022 corresponding to G.R.
No.1145 of 2022, lodged under Sections 272 and 273/34 of
Indian Penal Code read with Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, the total recovery of 53.700
liter of wine has been made, which is subject matter of the
present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence and his
antecedent is clean. He also submits that petitioner is alleged to

be arrested on the spot, the said excise material was present on motorcycle but from the contents of the F.I.R., it is clear that the owner of the motorcycle has fled away from the place of occurrence and petitioner has been arrested unnecessarily. He further submits that petitioner is in custody since 08.07.2022 and charge-sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 2nd-cum-Special Judge, Excise Act, Madhubani in connection with Benipatti P.S. Case No. 177 of 2022 corresponding to G.R. No.1145 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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