

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59770 of 2022**

Arising Out of PS. Case No.-100 Year-2022 Thana- MADHWAPUR District- Madhubani

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Dinesh Mukhiya Son of Kari Mukhiya Resident of Village- Bihari, P.S.-  
Madhawapur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

**CRIMINAL MISCELLANEOUS No. 59884 of 2022**

Arising Out of PS. Case No.-100 Year-2022 Thana- MADHWAPUR District- Madhubani

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Mohan Bharti S/o Amar Nath Yadav R/O Village- Karhara, P.S- Benipatti,  
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

**CRIMINAL MISCELLANEOUS No. 61417 of 2022**

Arising Out of PS. Case No.-100 Year-2022 Thana- MADHWAPUR District- Madhubani

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Md. Kalam Ansari Son of Md. Samsul Ansari @ Md. Bomal R/v-  
Madhawapur, P.S.- Madhawapur, District- Madhubani



... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 59770 of 2022)

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party/s : Mr. Arun Kumar Pandey

(In CRIMINAL MISCELLANEOUS No. 59884 of 2022)

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

(In CRIMINAL MISCELLANEOUS No. 61417 of 2022)

For the Petitioner/s : Mr. Bhavesh Kumar Sah

For the Opposite Party/s : Mr. Rajendra Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**

**ORAL ORDER**

2      02-12-2022                      Heard Ld. counsel for the petitioners and Ld. APP  
for the State.

The petitioners seek bail in connection with  
Madhawpur P.S. Case No. 100 of 2022, corresponding to  
G.R. No. 1202 of 2022 registered for the offences  
punishable under Sections 272, 273 and 414/34 of the  
Indian Penal Code and Section 30(a) of the Bihar Prohibition  
and Excise Act.

As per allegation, 1080 liters of liquor has been



recovered from a vehicle bearing Registration No. BR32F-9991.

The learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. They further submit that nothing has been recovered from the conscious possession of the petitioners.

The petitioners, Dinesh Mukhiya, Mohan Bharti, and Md. Kalam Ansari have been languishing in jail since 04.08.2022, 16.07.2022 and 23.09.2022 respectively.

It is also stated in paragraph no. 2 of the petition that the petitioner have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioners have no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like



amount each to the satisfaction of the Ld. Addl. Sessions Judge-II-cum- Special Judge, Excise Act, Madhubani in connection with Madhawpur P.S. Case No. 100 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the



petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

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