

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4230 of 2023

Arising Out of PS. Case No.-69 Year-2022 Thana- SRINAGAR District- West Champaran

Binay Mukhiya Son Of Suresh Mukhiya R/O Village- Siswa Mangalpur, P.S.-
Srinagar, District- West Champaran,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-03-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehend his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 342, 224, 225, 307, 332, 333, 353, 379, 504 and 506 of the I.P.C. and Section 45 of the Bihar Prohibition and Excise Act.

As per allegation in FIR, when the police party reached at the house of the Hiralal Mukhiya, all the petitioners were creating hindrance in discharging the duty of police officials and tried to escape. It is further alleged that police recovered total 10 liters of illicit liquor from there.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious



possession of the petitioner rather 10.800 liters of country made liquor is said to have recovered by the police. He submits that neither the petitioner was arrested on spot nor any incriminating article has been recovered from the his conscious possession. He submit that co-accused have been enlarged on bail by Co-ordinate Bench of this Court passed in Cr. Misc No. 54102 of 2022 dated 16.11.2022. He further submits that petitioner has got one criminal antecedent as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand) in Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

Having regard to the facts and circumstances of the case and the fact that there is nothing recovered from the conscious possession of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below



where the case is pending/successor Court in connection with Srinagar P.S. Case No.69 of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to the further conditions that:

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after her release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

anand/-

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