

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10981 of 2023

Arising Out of PS. Case No.-436 Year-2022 Thana- HARLAKHI District- Madhubani

Surendra Mukhiya, S/O Mahendra Mukhiya R/O Village- Phulhar, P.S- Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav
		Mr. Ravi Prakash
		Mr. Udeshya Kumar Yadav
		Mr. Rajesh Kumar
		Mr. Vinod Kumar
For the Opposite Party/s :		Mr. Nand Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 03-05-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Harlakhi P. S. Case No. 436 of 2022, G. R. No. 2557 of 2022, registered for the offences punishable under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per allegation, 108 litre Nepali soffi illicit liquor was recovered from the petitioner and his associates.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has no concern with the alleged vehicles. He also submits that merely on the basis of suspicion, the police has arrested the petitioner, when he was coming from the village of one of his relatives.

He further submits that the petitioner has been languishing in jail since 25.12.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in two more cases and in both the cases, the petitioner is on bail.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

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

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in



the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge II cum Special Judge, Excise Act, Madhubani, in connection with Harlakhi P. S. Case No. 436 of 2022, G. R. No. 2557 of 2022 on the following conditions:

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

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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 him 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 petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds



of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his 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, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. counsel for the petitioner 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)

skm/-

U		T	
---	--	---	--

