

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12573 of 2023

Arising Out of PS. Case No.- Year-0 Thana- District- Madhepura

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ASHOK KUMAR MUKHIYA S/O RAJENDRA MUKHIYA R/v- Gouripur,
Ward No.- 07, P.S.- Singeshwar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with
Madhepura Excise P.S. Non FIR Case No. 31 of 2023 registered
for the offences punishable under Section 37 of the Bihar
Prohibition (Amended) and Excise Act, 2022.

As per prosecution case, on the basis of breath
analysis test, petitioner is alleged to have consumed
alcohol/liquor and he is apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 06.01.2023 and bears criminal
antecedent of two cases of similar nature. Charge sheet has been
submitted in the case and there is no likelihood of tampering
with the prosecution evidence.



The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge VII cum Special Judge Excise II, Madhepura in connection with Madhepura Excise P.S. Non FIR Case No. 31 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Alok Kumar Pandey, J)

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