

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25174 of 2023

Arising Out of PS. Case No.-578 Year-2022 Thana- KESARIA District- East Champaran

1. Shamjit Mukhia @ Shyamjit Mukhia @ Sanjeet Mukhiya S/O Late Badri Mukhia Resident Of Village- Bathana, P.S.- Kesariya, District- East Champaran.
2. Bhola Mukhia @ Baidnath Mukhiya @ Baithnath Mukhiya S/O Sakaldeo Mukhia Resident Of Village- Bathana, P.S.- Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar
For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 18-05-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Kesaria
P. S. Case No. 578 of 2022, registered for the offences
punishable under Sections 272 and 273 of the Indian Penal
Code and Sections 30(a), 32 and 41(i) of the Bihar
Prohibition and Excise Act.

As per allegation, 17 litres of country made liquor
and 2000 litres of raw materials were recovered from near
river Raghwa.

Ld. counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that search and seizure has not been made as per the procedure as prescribed under Cr.P.C.

He further submits that the petitioners have been languishing in jail since 28.01.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have earlier been made accused in one case each.

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

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

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged 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



Ld. Exclusive Special Excise Court No. 2, East Champaran, Motihari, in connection with Kesaria P. S. Case No. 578 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 get hampered 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 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 petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds 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, Ld. court below shall cancel the bail bonds of the petitioners.

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

Ld. 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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