

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28663 of 2023

Arising Out of PS. Case No.-50 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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DASHRATH MUKHIYA SON OF TETAR MUKHIYA R/O-STREET LANE
RAMPUR AREA WARD NO. 5, P.S.-MURLIGANJ DISTT.-MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma
For the Opposite Party/s : Mr.Mohammed Arif

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Excise
Complaint Case No. 50 of 2022 arising out of Excise P.S. Non
F.I.R. Case No. 1968 of 2022 registered for the offences
punishable under Section 37 of Bihar Prohibition and Excise
(Amendment) Act.

As per prosecution case, petitioner was apprehended
in drunken condition and after medical examination it was
confirmed that petitioner consumed alcohol.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence and he has
falsely been implicated in this case. Petitioner is in custody



since 17.12.2022 and bears criminal antecedent of two cases of similar nature.

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, 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 Sessions Judge VIIth cum Special Judge Excise Act 2nd Madhepura in connection with Excise Complaint Case No. 50 of 2022 arising out of Excise P.S. Non F.I.R. Case No. 1968 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife of 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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