

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31196 of 2023

Arising Out of PS. Case No.-121 Year-2022 Thana- KUNAU LI District- Supaul

1. Sada Nand Mukhiya S/o Sahdev Mukhiya R/v-Village-Bathnaha, P.O. and P.S.--Kunauli, Dist-Supaul
2. Bhol a Mukhiya, S/o Chhathu Mukhiya R/v-Village-Bathnaha, P.O. and P.S.--Kunauli, Dist-Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Ms. Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-05-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Kunauli
P. S. Case No. 121 of 2022, registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

As per allegation, 1485 litres of Nepali liquor was
recovered from two boats.

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 petitioners. He also submits that recovery is from abandon place and the petitioners have no concern with the place of occurrence and only on suspicion, they have been apprehended in this case. He further 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 11.04.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner no. 1 has earlier been made accused in one more case, whereas petitioner no. 2 has clean antecedents.

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. Special Judge Excise, Court No. 2, Supaul, in connection with Kunauli P. S. Case No. 121 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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