

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47437 of 2023

Arising Out of PS. Case No.-62 Year-2019 Thana- SANGRAMPUR District- East
Champaran

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ASHOK MUKHIYA S/O DEWAN MUKHIYA R/O Village- Koirgawa Bin
Toli, PS. Sangrampur, Dist. East champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Sangrampur P.S. Case No. 62 of 2019 for the offence registered under Sections 30 (a), 35 and 38 of the Bihar Prohibition and Excise Act lodged on 02.04.2019 by the informant, Mahendra Kumar.

As per the prosecution story, from the house of the petitioner, 35 liters of country made liquor and one gas cylinder was recovered. Accordingly, the FIR.

Learned counsel for the petitioner submits that as per the prosecution story itself, it is a joint house of Birbahadur Mukhiya, Ashok Mukhiya (petitioner herein) and Ramesh



Mukhiya and also that it is an abandoned house.

Learned APP for the State opposes the prayer for bail stating that there is recovery of 35 liters of country made liquor.

Considering the fact that the said recovery is from a joint house which according to the petitioner is abandoned, this Court is inclined to grant him extend the privilege of bail with conditions.

Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, Motihari, East Champaran in connection with Sangrampur P.S. Case No. 62 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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