

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41220 of 2023

Arising Out of PS. Case No.-62 Year-2023 Thana- BATHNAHA District- Sitamarhi

Shambhu Mukhiya S/O Brijkishore Mukhiya R/O Village- Bathnaha Bazar
Ward No-6, P.S- Bathnaha, Distt.- Sitamarhi.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with
Bathnaha P.S. Case No. 62 of 2023 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 16.02.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 18 litres of Nepali Saufi from the sack.

6. Learned counsel appearing on behalf of the
petitioner submitted that petitioner not apprehended on the spot



alongwith illicit liquor and as such it can be safely said that alleged recovery was not made from his physical possession. While concluding the argument, it is submitted that petitioner found involved in more six criminal cases of similar nature, where he is on bail, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as alleged recovery of illicit liquor not appears to be made from the physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.02.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Bathnaha P.S. Case No. 62 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. I, Sitamarhi/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

(i) That the petitioner shall not



involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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