

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45188 of 2023

Arising Out of PS. Case No.-90 Year-2022 Thana- KANGLI District- West Champaran

Shri Mukhiya Son Of Late Raghunath Mukhiya Resident Of Village-
Satwariya Ward No. 07, Po- Sugha, Ps- Kangli, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Apurva Kumar, Advocate
	:	Mr.Santosh Bharti, Advocate
For the Opposite Party/s	:	Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State

2. The petitioner seeks bail in connection with Kangali
P.S. Case No. 90 of 2022 registered for the offence under Section
30(a) of the Bihar Prohibition of Excise Act.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 28.02.2023.

4. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 20 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that recovery of alleged illicit liquor was
made from backyard of the house, which is an open place easily
accessible by general public and as such it can be safely said that



recovery not appears to be made from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner found involved in three more cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as recovery of alleged illicit liquor appears to be made from an open place i.e., backyard of the house, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.02.2023, accordingly, above named petitioner is directed to be released on bail in connection with Kangali P.S. Case No. 90 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, Excise Bettiah/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 indulge in any criminal case 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) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned 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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