

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53443 of 2023

Arising Out of PS. Case No.-332 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Supaul

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1. Yogendra Kumar @ Yogendra Kumar Mukhiya @ Gultan S/O- Tatar Mukhiya Resident Of Village-Kodhali Korhali Police Station- Bhaptiyahi, Dist- Supaul
 2. Laxman Kumar son of Munshi Mukhiya Village-Dudhadhari Ps- Karjain Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kanika, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2023 Heard Ms. Kanika, learned counsel for the petitioners
and learned APP for the State.

2. Petitioners seek bail, who are in custody since 26.04.2023, in connection with Misc. Case No. 1638, arising out of Excise Prohibition P.S. Case No. 332 of 2023, F.I.R. dated 26.04.2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 540 litres of *Nepali liquor*.

4. Learned counsel for the petitioners submits that the petitioner namely Yogendra Kumar @ Yogendra Kumar Mukhiya @ Gultan has one criminal antecedent whereas petitioner namely Laxman Kumar has clean antecedent and they



have been falsely implicated in the present case. She further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possessions of the petitioners rather recovery has been made from the shore of the river and the petitioners were apprehended on the basis of suspicion and the petitioners have no concern at all with the alleged recovery of illicit liquor. She further submits that the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 26.04.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioners, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned In-Charge, Exclusive Special Judge, Excise Court No. 2, Supaul in connection with Misc. Case No. 1638, arising out of Excise Prohibition P.S. Case No. 332 of 2023, subject to the following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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