

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57796 of 2023

Arising Out of PS. Case No.-276 Year-2023 Thana- NAUTAN District- West Champaran

Kishan Mukhiya Son Of Gama Mukhiya @ Gama Bin Resident Of Village -
Baira Parsauni, P.S. - Nautan, District - West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
09.07.2023 in connection with Nautan P.S. Case No. 276 of
2023, F.I.R. dated 08.07.2023 registered for the offence
punishable under Sections 30(a) of Bihar Prohibition and
Excise Act.

3. Recovery is of 172.860 liters of illicit liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. Further submits that
from a bare perusal of the FIR as well as the seizure list that
nothing has been recovered from conscious possession of the
petitioner rather the recovery has been made from the



motorcycles in question and the petitioner he has no concern at all with the alleged recovery of illicit liquor and there is non-compliance of Section 100 of Cr.P.C. and the co-accused persons, namely, Arvind Pandey and Sonu Kumar, from their possession, 51.84 liters of illicit liquor has been recovered, have been granted bail vide order dated 31.08.2023 passed in Cr. Misc. No.55913 of 2023 by a Coordinate Bench of this Hon'ble Court and the petitioner is in custody since 09.07.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, nothing has been recovered from conscious possession of the petitioner, having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Bettiah, West Champaran in connection with Nautan P.S. Case No. 276 of 2023, with the following conditions:-

(I) Petitioner 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 his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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