

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58007 of 2023

Arising Out of PS. Case No.-39 Year-2023 Thana- KANGLI District- West Champaran

Bishori Mukhiya @ Bisori Mukhiya S/O Late Chandradev Mukhiya @ Late Chandradev Bin R/O Village- Gad Gamhariya, P.S- Kangali, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2023 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 01.06.2023 in connection with Kangali P.S. Case No. 39 of 2023, F.I.R. dated 31.05.2023 registered for the offence punishable under Sections 272,273 of IPC and Section 30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 05 liters of country made liquor.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that from a bare perusal of 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 an open place in front of the house of the petitioner and on the basis of the previous criminal antecedent and suspicion the petitioner has been implicated in the present case and the petitioner is in custody since 01.06.2023.

5. Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, nothing has been recovered from conscious possession of the petitioner, 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 Kangali P.S. Case No. 39 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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