

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59073 of 2023

Arising Out of PS. Case No.-160 Year-2023 Thana- BENIPATTI District- Madhubani

1. RAM LOCHAN MUKHIYA @ RAMLOCHAN MUKHIYA Son of Ramvilash Mikhiya @ Ram Vilas Mukhiya RESIDENT OF VILLAGE BETAUNA UKAMA TOLA P.S BENIPATTI DISTRICT MADHUBANI
2. Suresh Mukhiya Son of Rambrikash Mukhiya R/o vill - Uren Balti tola, P.S. - Benipatti, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-09-2023 Heard the parties.

2. The petitioners are accuseds in connection with Benipatti P.S. Case No. 160 of 2023 corresponding to G.R. No. 1088 of 2023 registered for the offences under sections 272, 273 and 34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act lodged on 12.07.2023 by the informant, Sanjit Kumar.

3. As per the prosecution story, the police upon information that the illicit liquor has been brought, reached the place of occurrence and as some accused tried to escape, apprehended which included the two petitioners while two managed to escape. Form motorcycle, 36 litres as also from the



ground near the motorcycle, 135 litres Nepali liquor recovered/seized. Accordingly, the FIR.

4. It is the case of the petitioners that none of them own the motorcycle, they are villagers, passer by and only upon the sight of the police, they tried to get away from the said place, the police apprehended them as accused persons, implicated, arrest.

5. Learned APP for the State, on the other hand, opposes the prayer for bail.

6. Considering the submissions put forward by the parties, motorcycle does not belong to them, nothing recovered from their conscious possession, are in custody since 13.07.2023 (as stated in paragraph 11 of the bail application), this Court is inclined to extend them privilege of bail.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge 2nd cum Special Judge, Excise Act, Madhubani in connection with Benipatti P.S. Case No. 160 of 2023 corresponding to G.R. No. 1088 of 2023, subject to the following conditions-:

(i) one of the bailor should be the family member of



the petitioners who shall provide official document to show their
bona fide;

(ii) the petitioners shall appear on each and every date
before the Trial court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of their
bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned
police station every month for next one year to mark attendance;

(iv) the petitioners shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of their bail bonds;

(v) the petitioners shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

8. With the aforesaid observations, the bail application
is allowed.

(Rajiv Roy, J)

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