

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 65901 of 2022**

Arising Out of PS. Case No.-147 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

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PASHUPATI MUKHIYA S/o Jitan Mukhiya R/o Village- Korahia, P.S.-
Jaynagar, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Mr Braj Kishore Pd, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 03-02-2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar through Virtual Mode.

The petitioner seeks bail in GO Case No 748 of 2022 registered for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act.

Allegation is that a person was carrying a sack near the Dam who has been stopped by the Patrolling Party. On search, it was found that there was 75 liters of Nepali country made wine in the sack.

Learned counsel submits that while the petitioner was working in his field, the police have arrested him on suspicion alleging that the liquor belongs to him. Actually, it has not been recovered from his possession. He has no antecedent and on account of such false implication, he is in custody since 20.08.2022.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, manner of recovery, nature of allegation, period of custody and the fact that



investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Madhubani in GO Case No 748 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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