

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68823 of 2023

Arising Out of PS. Case No.-502 Year-2023 Thana- TURKAULIYA District- East
Champaran

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1. Umesh Mukhiya S/O Ram Chander Mukhiya @ Chander Mukhiya Mohalla-Chailaha, Bind Toli, Ward No. 4, Ps. Banjaria, Dist. East Champaran
 2. Jaggu Mukhiya S/O Ram Chander Mukhiya @ Chander Mukhiya Mohalla-Chailaha, Bind Toli, Ward No. 4, Ps. Banjaria, Dist. East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Turkauliya (Banjaria OP) P.S. Case No. 502 of 2023 dated 26.04.2023, instituted for the offence punishable under Sections 272, 273 and 34 of the Indian Penal Code and Sections 30(a), 32,34,36,41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. There is alleged recovery of 10 liters of country made liquor from a hut, which was situated at the outside of the petitioners' house.

4. Learned counsel for the petitioners submits that



petitioners are innocent and have falsely been implicated in this case. It is further submitted that the all the male family members have been made accused in this case. It is next submitted that petitioners have not been arrested from the spot and nothing has been recovered from their conscious possession or their house. It is next submitted that P. S. Case No. has been mentioned in the seizure list, prior to the institution of the instant case, which shows that seizure list has been concocted after institution of the FIR at the Police Station. Two criminal cases are pending against both the petitioners since before, as per statement made in para 3 of the petition.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender before the learned Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No 1, East Champaran at Motihari, in connection with Turkauliya (Banjaria OP) P.S. Case No. 502 of 2023, subject to condition as laid down under



Section 438(2) of the Cr.P.C. and further (i) that the petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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