

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70613 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- KHIRHAR District- Madhubani

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Ajay Mukhiya Son Of Sufal Mukhiya @ Ramsufal Mukhiya R/O Village-
Beta Parsa, P.S.- Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Khirhar P.S. Case No.68 of 2023, lodged on 11.08.2023, under
Sections 272/273/414/34 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

3. As per the prosecution, FIR has been lodged against
the petitioner and others stating therein that the petitioner was
driving the Maruti Car from whose possession 460 liters of
Wine was recovered.

4. Learned counsel for the petitioner submits that the
antecedent of the petitioner is clean. He is in custody since
12.08.2023. Counsel submits that the said car does not belong



to him. He is alleged to be the driver but petitioner's plea is that he has taken lift from the said car.

5. Learned counsel for the State opposes the prayer for bail and submits that it is true that antecedent of the petitioner is clean but it is also true that recovery has been made from his conscious possession.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Khirhar P.S. Case No.68 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner 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 his bail



bonds by the Trial Court itself;

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

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

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

(Dr. Anshuman, J)

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