

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40733 of 2024

Arising Out of PS. Case No.-200 Year-2022 Thana- JAYNAGAR District- Madhubani

1. Umesh Mukhiya Son of Ritu Mukhiya Resident of Village- Dorwar, P.S- Jainagar, Dist- Madhubani
2. Parsuram Mukhiya Son of Bhogi Mukhiya Resident of Village- Dorwar, P.S- Jainagar, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Jay-
nagar P.S. Case No. 200 of 2022, G.R. NO. 1039 of 2022 regis-
tered for the offences punishable under Sections 30(a) and 37 of
the Bihar Prohibition and Excise (Amendment) Act.

3. As per prosecution case, there is alleged recov-
ery of 1215 liters of illicit liquor from the place of occurrence.
Upon disclosure made by co-accused Ram Ekbal Mukhiya, the
names of the petitioners have surfaced.

4. Learned counsel for the petitioners submits that
petitioners are innocent and have been falsely implicated in this
case. Petitioners is in custody since 30.03.2024. Petitioners bear
no criminal antecedent. Charge-sheet has already been submit-

ted and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioners submits that co-accused Ram Ekbal Mukhiya @Ekbal Mukhiya, on whose disclosure petitioners' name surfaced in this case, has been granted bail by this Court vide order dated 04.01.2023 passed in Cr. Misc. No. 62070 of 2022 and the case of the petitioners stand more or less on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and the fact that similarly situated co-accused has been granted bail by this Court, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II-cum-Special Judge, Excise Act, Madhubani in connection with Jaynagar P.S. Case No. 200 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn

the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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