

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67814 of 2024

Arising Out of PS. Case No.-179 Year-2024 Thana- SANGRAMPUR District- East
Champaran

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Manoj Mukhiya Son of Late Harendra Mukhiya Resident of Village -
Sangrampur Bin Toli, P.S. - Sangrampur, District - East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the State : Mrs. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-10-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Sangrampur P.S. Case No. 179 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 11.07.2024 by the informant, Dhiraj Kumar Singh.

3. As per the prosecution story, the informant alleged that upon secret information about carrying of foreign liquor on boat, it raided the place. Although, the accused person managed to escape, 73.8 liters of foreign liquor recovered/seized. Accordingly, the F.I.R.

4. It is the case of the petitioner that nothing has been recovered from his conscious possession nor the boat belongs to him, only because of criminal antecedent he has been



implicated. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the petitioner on its own would like to contribute Rs.10,000/- for the purchase of benches to be installed in the Civil Court, East Champaran premises through Demand Draft issued by the local State Bank of India and the receipt has to be submitted before the Trial Court.

5. Learned APP for the State opposes the prayer submitting that his name has come on the secret information.

6. Considering the aforesaid facts and the submissions put forward by the parties as also that nothing has been recovered from his conscious possession rather from the boat which again does not belong to him and he is in custody since 23.08.2024 (paragraph no.1 of the petition), this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to the Trial Court.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Motihari, East Champaran in connection with Sangrampur P.S. Case No. 179 of 2024, subject to the



following conditions:

(i) one of the bailor should be the family member/relative 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 failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in now 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 the bail bonds;

(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 his bail bonds.

(Rajiv Roy, J)

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