

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77615 of 2023

Arising Out of PS. Case No.-270 Year-2021 Thana- PAKRIDAYAL District- East Champaran

VIJAY MUKHIYA @ BIJAY MUKHIYA S/O DHARICHAN MUKHIYA
R/O VILLAGE- SISHANI, P.S- PAKRIDAYAL, DISTT.- EAST
CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Pakadiyal P.S. Case No. 270 of 2021 registered under Sections 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2018 lodged on 04.12.2021 by the informant, Gajendra Kumar Yadav.

3. As per the prosecution story, the allegation is that upon patrolling got secret information that illicit liquor is being kept at Ram Bbabu Rai Banswadi. As they reached, the accused persons managed to escape. The locals named this petitioner. The total recovery of country-made liquor is 35 liters.

4. Learned counsel appearing for the petitioner



submits that due to criminal antecedent he has been implicated, nothing has been recovered from his conscious possession and further he is ready to abide by all the terms and conditions as imposed by this Court.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Taking into account the fact that nothing has been recovered from his conscious possession, FIR lodged and he will have to face the trial, this Court is inclined to grant him privilege of anticipatory bail.

7. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail 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. 3, East Champaran, Motihari in connection with Pakadiyal P.S. Case No. 270 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *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/her 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 attendance;

(iv) the petitioner shall in no 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 his 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 the bail bonds.

(Rajiv Roy, J)

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