

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7137 of 2024

Arising Out of PS. Case No.-356 Year-2023 Thana- CHHAURADANO District- East
Champaran

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RAM BALAK MUKHIYA S/O PATHAL MUKHIYA R/O VILLAGE-
TINKONI, P.S- DARPA, DISTT.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava
For the Opposite Party/s : Mr.Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Chhauradano (Mahuawa) P.S. Case No. 356/2023 registered for
the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

3. As per prosecution case, there was alleged
recovery of 168 liters Nepali Kasturi wine from the place of
occurrence. The petitioner was apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. Nothing has been recovered from the conscious possession
of the petitioner. The petitioner is languishing in custody since



30.10.2023 and bears no criminal antecedent. The petitioner was not concerned with the seized liquor. He further submits that the petitioner was merely a passer-by and on the basis of suspicion, he apprehended on the spot. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the seizure list has not been prepared as per the law. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.2, East Champaran at Motihari in connection with Chhauradano (Mahuawa) P.S. Case No. 356/2023, 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) Petitioner 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 petitioner tampers 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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