

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2713 of 2024

Arising Out of PS. Case No.-1175 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Siyaram Mukhiya @ Shiyaram Mukhiya Son Of Late Raghunandan Mukhiya
R/O Village- Khairaghat, Ajarwa, P.S.- Banjariya, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Turkauliya (Banjariya) P.S. Case No. 1175 of 2023 dated
16.11.2023, lodged under Section 30(a) of the Bihar Prohibition
and Excise Amendment Act, 2022.

3. As per the prosecution case, the F.I.R. has been
lodged against the present petitioner and the total recovery of 4
litre country made liquor has been made, which is the subject
matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that there are three criminal cases pending against the petitioner

in which he is on bail. He further submits that the petitioner is a social worker, therefore, people of the locality called him *Mukhiya* and due to the political reasons, this case has been transplanted against him. He further submits that the petitioner is in custody since 16.11.2023.

5. Learned A.P.P. for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 01, East Champaran at Motihari in connection with Turkauliya (Banjariya) P.S. Case No. 1175 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. 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.

7. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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