

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51522 of 2017

Arising Out of PS.Case No. -220 Year- 2017 Thana -SURSAND District- SITAMARHI

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1. Dinesh Mukhiya Son of Late Yogendra Mukhiya Resident of Village-
Madherpur P.S. Bajpatti Distt. Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Ashok Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Sursand P.S.
Case No. 220/17 for offences punishable under Sections 30(A),
38, 41 of the Bihar Excise Act.

The prosecution case, as lodged by the police
personnel, is that huge quantity of Nepali Sophy wine was
recovered from a tempo and from the possession of petitioner,
who was coming in a bicycle, about 35 litres of Nepali Sophy
wine was recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has
been falsely implicated in the aforesaid case due to village politics.



He submits that he is languishing in judicial custody since 22.08.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of three months in custody on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II, Sitamarhi, in connection with Sursand P.S. Case No. 220/17, subject to the following conditions :

- (i) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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