

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.14709 of 2019

Arising Out of PS. Case No.-162 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

1. SUDISH MUKHIA, Male, aged about 35 years, S/o Late Dara Mukhia
2. Dilchand Mukhia, Male, aged about 45 yers, S/o Late Mahanth Mukhia, both are residents of village-Kawari, P.O-Baghari, P.S-Sursand, district Sitamarhi

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Ritesh Kumar Narain Singh, Adv.

For the Opposite Party : Mr. Ansar Ul Haque, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 13-03-2019

Heard the learned counsel for the petitioners and the learned counsel appearing for the State.

The petitioners are languishing in judicial custody since 27.12.2018 in connection with G.O. Case No. 162 of 2018 for the offence alleged under Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the Sashastra Seema Bal officials, is that the petitioners were apprehended near the Indo-Nepal border with 267 liters of Nepali Saufi wine. Accordingly, a seizure memo was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and on seeing police the other members managed to flee away towards Nepal which they have confessed before the Sashastra Seema Bal officials and just because the petitioners were apprehended the entire consignment has been alleged to have carried by the petitioners. He, further, submits that the charge sheet has already been submitted, there being no allegation of



tampering with the prosecution witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail

Considering the allegations and the materials on record as well as the period of custody and that the charge sheet has already been submitted, let the petitioners, above named be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with G.O. Case No. 162 of 2018 to the satisfaction of the learned Additional District Judge II-cum-Special Judge, Excise, Sitamarhi, subject to the following conditions :

(i) One of the bailors of each of the petitioners would be a close relative having sufficient immovable property, who will file an affidavit stating his/their relationship(s) with the petitioner(s).

(iii) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his/their bail bond(s).

(Nilu Agrawal, J)

Shamshad/-

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