

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17360 of 2020**

Arising Out of PS. Case No.-47 Year-2020 Thana- SURSAND District- Sitamarhi

SAUDAGAR MUKHIYA S/o Lochan Mukhiya Resident of Village-
Srikhandhi Bhatta, Ward No.03, P.S.- Sursand, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr.Narendra Kumar Singh, APP
Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 13-05-2020 This application has been placed for consideration by
the order of the Hon'ble the Chief Justice through virtual court
proceeding.

Mr. Akhileshwar Dayal, who is the incharge APP of
the Court was connected, however, there was some audio
problem, therefore, he was also connected through the mobile of
the Bench Officer and was heard.

This is an application for grant of regular bail to the
sole petitioner in connection with Sursand P.S. Case No. 47 of
2020 registered for the offences punishable under Sections
30(a), 38 and 40 of Bihar Prohibition and Excise Act, 2016.

It is the case of the petitioner that nothing has been
recovered from his conscious possession. It is his further case



that the seizure list witnesses are of different place and the seizure list does not show the recovery of *tasla* in which it is alleged that the 27 liter liquor was found. The petitioner has no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is, however, not the case of the State that the investigation in the case is not complete and/or release of the petitioner is at this stage in any way going to affect the trial.

Considering the facts and circumstances of the case wherein it is the case of the petitioner that the petitioner is in custody since 16.02.2020 having no criminal antecedent and there is no chance of tampering with the evidence if the petitioner is released on bail as there is no such submission on behalf of the State, this Court directs release of the petitioner above named on bail in connection with Sursand P.S. Case No. 47 of 2020 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned Additional Sessions Judge II-cum-Special Judge, Excise Act, Sitamarhi, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with



the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

