

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26032 of 2021

Arising Out of PS. Case No.-226 Year-2020 Thana- SURSAND District- Sitamarhi

Santosh Mukhiya Son Of Rambaran Mukhiya @ Ram Varan Mukhiya R/O
Village- Choraut, Ward No.-2, P.S.- Choraut, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Setu Prateek

For the Opposite Party/s : Mr. Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-07-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Sursand P.S. Case No. 226 of 2020 registered for the offence punishable under Sections 30 (a), 38, 41 of the Bihar Prohibition and Excise Act.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 67.2 liters of Nepali Wine is said to have been recovered from the motorcycle of the petitioner bearing Registration No. BR 30R 9097. He has no concern either with the



seized liquor or the place of recovery or any trade of liquor. He has been falsely implicated in this case by the police because he was the owner of the said vehicle which was got stolen on 08.08.2020. Petitioner has one criminal antecedent as has been mentioned in para-3 of the present petition and has been languishing in custody since 25.11.2020.

Petitioner is agreed to deposit a sum of Rs. 5,000/- (Rupees Five Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending/successor court in connection with Sursand P.S. Case No. 226 of 2020 subject to following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and



thereafter the court below will be at liberty to initiate the proceeding
for cancellation of bail on ground of misuse.

The bail bond of the petitioner shall be accepted by the
learned Court below on showing receipt of deposit of Rs. 5,000/-
(Rupees Five Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

GAURAV S./-

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