

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27781 of 2021**

Arising Out of PS. Case No.-411 Year-2020 Thana- SURSAND District- Sitamarhi

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RAM LAKHAN MUKHIYA Son of Rijhan Mukhiya Resident of Village -
Parigama, Ward No. 2, P.S. - Chorout, District - Sitamarhi (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Kumar, Adv.

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

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

2 08-10-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram
Naresh Ray, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Sursand P.S. Case No.411 of 2020 registered

for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016. He is in custody since
30.12.2020. The petitioner has got no criminal antecedent.

As per the prosecution story, on 29.12.2020 the

informant got secret information that some wine smugglers were

to come with illicit wine near Madarsa. On this information, he



along with police party reached there. At 00.30 hours some persons were seen coming with bag in their hands. The police party tried to catch them, but they started fleeing away after throwing their bags. On chase, one of them was apprehended who is this petitioner. Thereafter, nine bags thrown by the accused persons were searched and total 243 liters of illicit liquor were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case at the instance of his enemies. Learned counsel submits that nothing has been recovered from the conscious possession of the petitioner. It is submitted that the petitioner is in custody since 30.12.2020 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein 243 liters of illicit liquor is said to have been recovered from a place which does not belong to the petitioner, the petitioner is in custody since 30.12.2020, he has no criminal antecedent, investigation against him is complete but the trial is not likely to take place in near future, let the petitioner above named be released on bail on furnishing bail bond of Rs.



25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge (Excise), Sitamarhi in connection with Sursand P.S. Case No.411 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(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'.

