

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38992 of 2021**

Arising Out of PS. Case No.-34 Year-2021 Thana- CHORAUT District- Sitamarhi

Shambhu Mukhiya Son of Ram Khelawan Mukhiya Resident of Village-
Parigama, P.S.- Choraut, District- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra

For the Opposite Party/s : Mr.Md. A.H.Sahara

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 24-09-2021 At the outset, counsel for the petitioner submits that a typographical error has occurred in prayer portion of the bail petition and in place of **Choraut P.S. Case No. 34/2021**, it has wrongly been typed as Choraut P.S. Case No. 35/2021. Accordingly, he requests for making correction in the prayer portion of the bail petition.

Permission is accorded. The aforesaid defect may be corrected within a period of two weeks from today.

Heard the parties through video conferencing.

The petitioner seeks bail in Choraut P.S. Case No. 34/2021, registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act.

72 liters of Nepali Saufi Wine has been recovered from behind the under-construction house of the petitioner.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of the petitioner.



Petitioner claims clean antecedent and he is in custody since 25.03.2021.

Learned A.P.P. for the State has opposed the bail petition.

Considering the nature of allegation, period of custody and clean antecedent of the petitioner, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge II cum Special Judge (Excise), Sitamarhi in connection with Choraut P.S. Case No. 34/2021, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

anay

U		T	
---	--	---	--

