

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39803 of 2021

Arising Out of PS. Case No.-96 Year-2021 Thana- SURSAND District- Sitamarhi

1. Baijnath Mukhiya S/o Ram Shestha Mukhiya R/o village- Basotra, Ward No. 10, P.S.- Choraut, District- Sitamarhi
2. Ranjeet Rai S/O - Shivji Raim Shestha Mukhiya R/o village- Basotra, Ward No. 10, P.S.- Choraut, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-10-2021 Heard learned counsel for the petitioners and learned
A.P.P for the State.

The petitioners seek bail in Sursand P.S. Case No. 96 of 2021, registered for the offence punishable under Section 30(a), 37(b)(ii) of the Bihar Prohibition and Excise Act, 2016.

42 litres each of Nepali saufi wine total 84 litres has been recovered from possession of both the petitioners.

It is submitted that no recovery has been made from conscious possession of the petitioners. Petitioners have no concern with the seized liquor. Petitioners are in custody since 08.03.2021 having no criminal antecedent, as stated in para 3 of



the petition. Investigation is complete.

Considering the period of custody coupled with the fact that petitioners bear clean antecedent, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge II-cum-Special Judge (Excise), Sitamarhi in connection with Sursand P.S. Case No. 96 of 2021, subject to following conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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