

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5611 of 2021**

Arising Out of PS. Case No.-187 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

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SANTOSH KUMAR MUKHIYA @ SANTOSH MUKHIYA Son of Late
Suresh Prasad Mukhiya, Resident of Village - Inarva, P.S.- Phulparas, Distt.-
Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

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

2 16-04-2021 Heard learned counsel for the petitioner and Ms.
Nirmala Kumari, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with G.O. Case No. 187 of 2020 registered
for the offences punishable under Sections 30(a) of Bihar
Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the
Excise Officials on secret information recovered 90 liters of
illicit liquor from the cattle shed of the petitioner.

Learned counsel submits that the petitioner is innocent
and has falsely been implicated in the present case. It is
submitted that the petitioner has no concern with the alleged



illicit liquor. The petitioner is in jail since 14.10.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner is a young boy who has been falsely implicated in this case, he has no concern with the alleged illegal wine and he has remained in jail in connection with the present case since 14.10.2020, investigation against him is complete, he has no criminal history and if released on bail he is ready to abide by such terms and conditions which may be imposed upon him for purpose of bail, let the petitioner above named be released on bail on furnishing of bail bonds 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 Act), Madhubani, in connection with G.O. Case No. 187 of 2020, subject to the conditions as laid down under Section 437(3) 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, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and 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 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.

The application stands allowed.

(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'.

