

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27858 of 2022

Arising Out of PS. Case No.-218 Year-2022 Thana- BAGHA District- West Champaran

1. Sunil Kumar Son Of Late Lakshaman Mukhia Resident Of Village - Bishwabhrapur Dihu Tola, P.S.- Bhairoganj, Distt.- West Champaran.
2. Sumitra Devi W/O Lakshaman Mukhia @ Lakshuman Mukhia, Resident Of Village - Bishwabhrapur Dihu Tola, P.S.- Bhairoganj, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioners seek bail in a case registered in connection with Bagaha (Bhairoganj) P.S. Case No. 218 of 2021 for the offences punishable under Sections 30(a) of the Bihar Excise (Prohibition) Amendment Act, 2018.

As per the prosecution case, it is alleged that on search total 9 liters country made liquor was recovered



behind the house of the petitioner.

Learned counsel for the petitioner submits that nothing has been recovered from person or possession of the petitioners rather recovery has been made from the place behind the house of the petitioner which does not belong to them. It is next submitted that the petitioners are son and mother respectively and they have absolutely fair antecedent and are in custody since 01.04.2022 and though the investigation of the crime is concluded and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that recovery has been made behind the house of the petitioners and they are in custody since 01.04.2022, having fair antecedent. There is no likelihood of commencement of trial in near future, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge cum Special Judge,



Bagaha, West Champaran in connection with Bagaha
(Bhairoganj) P.S.Case No. 218 of 2022 subject to the
condition that one of the bailors will be the close relatives
of the petitioner with further conditions which are as
follows:-

(i) The petitioner will cooperate in conclusion of
the trial.

(ii) He will remain present on each and every date
of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or
intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive
dates without any cogent reason, his bail bonds will liable
to be cancelled.

(Harish Kumar, J)

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