

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40396 of 2021

Arising Out of PS. Case No.-115 Year-2021 Thana- NAANPUR District- Sitamarhi

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SURAJ KUMAR MUKHIYA Son of Munilal Mukhiya Resident of Village -
Dadari, P.S. Nanpur, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-01-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Nanpur Police Station Case No. 115 of 2021, registered for the
offences punishable under Sections 30/30 (a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police, on the basis of the secret information
that the petitioner is indulged in the sale of illicit liquor from his
hutment, proceeded towards the place of occurrence and a total
quantity of 142.5 litres of illicit Nepali Saufi liquor has
allegedly been recovered from the hutment of the petitioner and
the petitioner was arrested at the spot.

Learned Counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to oblique motive. He further submits that the hutment of the petitioner is situated in an open space, which is accessible to all and sundry. He further submits that the petitioner is in custody since 23.04.2021, having no criminal antecedent and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that charge sheet has already been submitted and the petitioner is in custody since 23.04.2021, having no criminal antecedent and the trial is not likely to be concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) 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 Nanpur Police Station



Case No. 115 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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