

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42574 of 2021

Arising Out of PS. Case No.-251 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

NANDLAL BAITHA S/o Sukan Baitha R/o village- Sodhana Madhopur, P.S.-
Shiwaipatti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 16.06.2021,
seeks regular bail in connection with Excise Case No. 251 of
2021 (P.R. No. 03 of 2021) for the offence punishable under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that altogether 35
litres of country made liquor recovered from the varanda of the
petitioner.

Learned counsel appearing on behalf of the petitioner
submits that the preparation of Chulai liquor is customary in the



caste of the petitioner and that was for personal consumption and not for sell. He further submits that petitioner is the sole bread earner of his family and he is in custody since 16.06.2021 and he has clean antecedent.

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

Considering the aforementioned facts and circumstances of the case the fact that petitioner has no criminal antecedent and there is no allegation of tampering of evidence or influencing the witnesses, the petitioner is directed to be released on bail on furnishing bail bond of Rs. One Lakh with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Excise Case No. 251 of 2021 (P.R. No. 03/2021), subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers 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 petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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