

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43894 of 2021

Arising Out of PS. Case No.-106 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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LALIT MUKHIYA Son of Bindeshwar Mukhiya Resident of Village -
Markyahi, P.O.- Jaleswar, P.S.- Jaleswar, District - Mahotari (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhusudan Rai

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-02-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with G.
O. Case No. 106 of 2021, registered for the offences punishable
Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the Prosecution Report,
is that the S.S. B. Personnels recovered 162 litres of illicit
Nepali Saufi liquor from the possession of the petitioner kept in
a jute bag.

Learned Counsel for the petitioner submits that the
petitioner has got no criminal antecedent and he has falsely been
implicated in this case with oblique motive. He further submits
that the procedure prescribed for search and seizure under the
provisions of the Excise Act as well as Code of Criminal



Procedure has not been followed. He further submits that the petitioner is in custody since 10.06.2021 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 the petitioner has got no criminal antecedent, he is in custody since 10.06.2021, charge sheet has already been submitted and there is no likelihood of the trial being 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. 20,000/- (twenty 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 G.O. Case No. 106 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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