

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37422 of 2022

Arising Out of PS. Case No.-117 Year-2022 Thana- SURSAND District- Sitamarhi

1. Sanjay Mukhiya, Son of Late Ram Kailash Mukhiya, Resident of Village-Parigama, Police Station-Charaut, District-Sitamarhi.
2. Ram Sograth Mukhiya, Son of Late Kavilash Mukhiya, Resident of Village-Parigama, Police Station-Charaut, District-Sitamarhi.
3. Sitaram Mukhiya, Son of Late Nankeshwar Mukhia, Resident of Village-Parigama, Police Station-Charaut, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Sursand (Bhitha O.P.) P.S. Case No. 117 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police received secret information about 3-4 persons carrying some contraband on their heads and when the persons were surrounded, they started



fleeing away leaving behind their sacks which they were carrying on their heads. However, all three persons were apprehended after chase and from the sacks left behind by them, 83.4 litres of Nepali country made liquor was recovered and the petitioners are the apprehended persons.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from their conscious possession. The petitioners are labourers and while they were returning from their work, they were taken into custody. Charge-sheet has been submitted in this case and the petitioners are in custody since 11.03.2022.

Learned APP opposes the prayer for bail submitting that the petitioners were found carrying illicit liquor and they are having criminal antecedent.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been shown from the conscious possession of the petitioners and further considering the submission of charge-sheet along with period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like



amount each to the satisfaction of learned Exclusive Special Excise Court-II, Sitamarhi, in connection with Sursand (Bhitha O.P.) P.S. Case No. 117 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be the person who has sworn the affidavit in the case.

(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

