

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57867 of 2021**

Arising Out of PS. Case No.-358 Year-2021 Thana- SURSAND District- Sitamarhi

Sri Chand Mukhiya S/o Late Sahdev Mukhiya R/o Village- Baghari, Ward  
No. -13, P.S.- Sursand, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Santosh Kumar, Advocate.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      06-04-2022                      Heard learned counsel for the petitioner as well as  
learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioner, above named, for grant of regular bail to the petitioner who has been made accused and put behind the bar in connection with Sursand P. S. Case No. 358 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that on 30.07.2021, on secret information that this petitioner had kept contraband wine, for the purpose of sale, the informant along with police party raided the house of the petitioner and from a field and a hut constructed thereon in front of the house of the petitioner, three plastic bags containing 230 bottles of Nepali



Saufi wine i.e. 69.00 litres was recovered.

Learned counsel for the petitioner submits that the recovery has been made from the field in front of the house of the petitioner and no recovery has been made from the possession of this petitioner and he having clean antecedent is rotting in jail since 31.07.2021. It is next submitted that the charge-sheet has also been submitted and there is no chance of his absconding and tampering with the evidence.

On the other hand, learned APP for the State opposes the bail application of this petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration that the recovery has been made from the field in front of the house of the petitioner and the petitioner has no criminal antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Districts and Sessions Judge II-cum-Special Judge Excise Act, Sitamarhi in connection with Sursand P. S. Case No. 358 of 2021, subject to the condition that one of the bailors will be the close relative 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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