

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63417 of 2021

Arising Out of PS. Case No.-148 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Lalit Mukhiya, Son of Late Satan Mukhiya, Resident of Village - Barahi,
Ward No.7, P.S.- Sursand, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-05-2022 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks bail in connection with G.O.

Case No.148 of 2021 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

There is alleged recovery of 108 litres *Nepali Saufi*
wine from the petitioner's possession while he was trying to
smuggle the same through the Indo-Nepal border.

Learned counsel for the petitioner submits that it is
a case of false implication, recovery is not in accordance with
law and petitioner is in custody since 29.08.2021, having no
antecedents. He has become a victim of circumstances as he was



in the locality from where the recovery has been made.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the period of custody as also the submission that investigation is complete, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-Cum-Special Judge (Excise), Sitamarhi, in connection with G.O. Case No.148 of 2021, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his



bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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