

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67362 of 2021

Arising Out of PS. Case No.-153 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Sujit Mukhiya Son of Late Lakshmi Mukhiya R/o village - Ward No.- 7,
Maruaahi, P.S.- Jaleshwar, Dist.- Mohatari @ Mahotari (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr.Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, be removed within four
weeks.

The petitioner is in judicial custody in connection
with G.O. Case No.153 of 2021 instituted under Section 30(a)
of Bihar Prohibition and Excise Act.

As per the prosecution story, the S.S.B. personnel
upon information apprehended this petitioner and it is alleged
in the FIR that 210 bottles of Nepali Saufi wine of 300 ml. each
was recovered/seized, which totals 26 liters.

Learned counsel for the petitioner submits that he
doesn't have any criminal antecedent and is in jail since
09.09.2021 (as stated in para-13 of the bail application), and if it



is found that he do have criminal antecedent, if this Court grant bail to him the same may be held to be infructuous.

Considering the fact that charge sheet has been submitted, the petitioner do not have any criminal antecedent and he is in jail since 07.11.2021; this Court is inclined to grant him to privilege of bail. However, it is found that he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each in connection with G.O. Case No.153 of 2021 to the satisfaction of learned A.D.J.,IInd-cum-Special Judge, Excise Act, Sitamarhi, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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