

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64685 of 2023

Arising Out of PS. Case No.-295 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Suresh Mukhiya S/O Late Kripal R/O Village- Rahuaa Mahraji, P.S-
Kusheshwar Ashthan, Distt.- Darbhanga.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.
For the Opposite Party/s : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kusheshwar Ashthan P.S. Case No. 295 of 2023 lodged under
Section 30(a) of Bihar Prohibition and Excise (Amendment)
Act, 2018.

3. As per the prosecution case, the total recovery of 3
liter wine has alleged to be made which is subject matter of the
present case.

4. Learned counsel for the petitioner submits that
antecedent of the petitioner is clean and the said wine is alleged
to be recovered from the hut of the petitioner. Counsel further
submits that petitioner is in custody since 18.08.2023.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-II, (Excise Act), Darbhanga in connection with Kusheshwar Ashthan P.S. Case No. 295 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence,

failing which the State shall be at liberty to take steps for
cancellation of the bail bonds; and

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

(Dr. Anshuman, J.)

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