

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38147 of 2025

Arising out of PS. Case No.-81 Year-2025 Thana- SURSAND District- Sitamarhi

Fulchand Mukhiya S/o Parikshan Mukhiya R/o Village- Parigama, Ward No. 02, P.S.- Chourot, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Murari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 27-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sur-sand P.S. Case No. 81 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act. Petitioner has four criminal antecedents.

3. As per the prosecution case, during night patrolling, the police found two persons standing near a sack. When the police approached, the said two persons tried to flee; however, they were apprehended and disclosed their names as Fulchand Mukhiya (petitioner) and Sudhir Mukhiya and on search, a total of 3699 liters of Nepali liquor was recovered from the eleven jute sacks.

4. Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in this case and has no concern whatsoever with the recovered liquor. It has further been submitted that such recovery has admittedly not been made from the conscious possession of the petitioner and the same was made from an open place. It is also submitted that similarly situated co-accused person namely Sudhir Mukhiya has been granted bail by this Court *vide* order dated 28.05.2025 passed in Cr. Misc. No. 34976 of 2025. It has lastly been submitted that the petitioner has four criminal antecedents and has been in judicial custody since 24.02.2025.

5. Learned APP for the State has opposed the prayer for regular bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Exclusive Excise Court-02, Sitamarhi in connection with Sursand P.S. Case No. 81 of 2025 subject to the following conditions :

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physi-



cally present in Court on each date of the trial.

c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

d. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

7. In view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Sitamarhi within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is



found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

8. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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