

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2225 of 2019**

Arising Out of PS. Case No.-291 Year-2018 Thana- BAKHARI District- Begusarai

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1. Ashok Mukhiy, aged about 47 years (Male), Son of Late Fulo Mukhiya @ Fuleshwar Mukhiya.
  2. Pshupati Mukhiya @ Pashupati Mukhiya, aged about 50 years (Male), Son of Late Sonelal Mukhiya, Resident of Village- Bahorchak, P.S.- Bakhri, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                                     |
|--------------------------|---|-----------------------------------------------------|
| For the Petitioner/s     | : | Mr. Bhola Prasad, Adv.<br>Mr. Indrajeet Kumar, Adv. |
| For the Opposite Party/s | : | Mr. Madan Kumar (App 223)                           |

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      17-01-2019                      Heard learned counsels for the petitioners and the State.

The petitioners are languishing in custody since 09.10.2018 in a case registered for the offences punishable under Sections 30(a) and 30(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is to the effect that from the possession of the petitioners, 5 liters capacity of cooking gas cylinder and 15 liters of country made liquor, and other equipment for preparing the liquor, were recovered.

It is submitted by learned counsel for the petitioners that the petitioners have maliciously been roped in the present case, since one of the seizure lists suggests that the recovery has been



made from the house of co-accused, Dharmendra Sahni, whereas the other seizure list suggests that recovery has been made from the agriculture field near the canal.

Learned APP submits that the recovery has been made from the possession of the petitioners.

Considering the quantity of recovery, seizure lists do not suggest that recovery has been made from the petitioners and period under custody, let the above named petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Bakhri P.S. Case No. 291 of 2018.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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