

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34195 of 2019

Arising Out of PS. Case No.-27 Year-2019 Thana- DEODHA District- Madhubani

=====

DHYANI MUKHIYA. S/o- Dev Narayan Mukhiya Resident of Akaunta, P.S.-
Deodha, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Parmanand Kumar

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-05-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since 16.03.2019
in a case registered for the offences punishable under Sections
272 and 273 of the IPC and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

It is alleged that from an orchard, 405 litres and 6.840 litres
of Nepali country made liquor were recovered and petitioner
and co-accused Md. Samim were apprehended.

It is submitted by learned counsel for the petitioner that
neither the prosecution case nor the impugned order suggest that
the place of recovery belongs to the petitioner and the recovery
has not been made from the possession of the petitioner. A
statement has been made in paragraph no. 3 of the petition that



the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner was apprehended from the place of seizure.

Considering the fact that the prosecution case does not suggest that the place of seizure belongs to the petitioner and period under custody, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-2nd-cum-Special Judge, Excise Act, Madhubani in connection with Dewadha P.S. Case No. 27 of 2019.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

