

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4145 of 2019

Arising Out of PS. Case No.-109 Year-2018 Thana- DEODHA District- Madhubani

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Mukesh Mukhiya, Son of Ram Kripal Mukhiya, R/o- Vill- Pitwapur Tol, P.S-
Deodha, Distt.- Madhubani Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 16.07.2018 in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the written report of Ramnaresh Prasad, A.S.I., Deodha P.S. submitted to the S.H.O., Deodha P.S. is to the effect that he received some secret information that illicit liquor is being transported illegally by two persons on a motorcycle. Thereafter, a motorcycle was intercepted and on seeing the police party, the accused persons started escaping from the scene, but on chase being made, one accused person was apprehended and the other accused person



succeeded to escape from the spot. The apprehended accused person disclosed his name as Rama Mukhiya. It is further alleged that from the seized bag, 63 litres of country made liquor were recovered. The apprehended accused person disclosed the name of the escaped person as Mukesh Mukhiya (the petitioner).

It is submitted by learned counsel for the petitioner that the alleged recovery cannot be treated from the conscious physical possession of the petitioner. It is further submitted that the petitioner is not apprehended from the spot and his name sprang up only on confession of the apprehended co-accused, Rama Mukhiya.

Learned APP for the State submits that the recovery has been made from the motorcycle on which two persons, the petitioner and co-accused, were traveling while carrying the seized illicit liquors.

Considering the fact that the petitioner was not apprehended from the spot and the FIR does not suggest whether the motorcycle in question belongs to the petitioner, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **Additional District**



**and Sessions Judge-2nd-cum-Special Judge Excise Act,
Madhubani in connection with Deodha Case No.109 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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