

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40306 of 2020

Arising Out of PS. Case No.-181 Year-2019 Thana- JAYNAGAR District- Madhubani

1. Shiv Mukhiya, son of Jogil Mukhiya, Resident of Vill.- Nilmahi Pokhar, P.S.- Jaynagar, Distt.- Madhubani
2. Sushil Mukhiya @ Sujit Mukhiya, son of Late Rajendra Mukhiya, Resident of Vill.- Nilmahi Pokhar, P.S.- Jaynagar, Distt.- Madhubani
3. Mahendra Mukhiya, son of Late Rajendra Mukhiya Resident of Vill.- Nilmahi Pokhar, P.S.- Jaynagar, Distt.- Madhubani
4. Umesh Mukhiya, son of Shital Mukhiya, Resident of Vill.- Nilmahi Pokhar, P.S.- Jaynagar, Distt.- Madhubani
5. Chauthi Mukhiya, son of Shital Mukhiya, Resident of Vill.- Nilmahi Pokhar, P.S.- Jaynagar, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh, Advocate
For the Opposite Party/s : Mr. A. L. Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-03-2021 Heard Mr. Ravindra Kumar Singh, learned Counsel

for the petitioners and Mr. A. L. Pandit, learned Additional

Public Prosecutor for the State.

This application, for grant of regular bail, arises out of Jaynagar Police Station Case No. 181 of 2019, disclosing offences under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation, as per the First Information Report is that a total quantity of 620 litres of illicit liquor was recovered



from the possession of one Pradeep Mukhiya and other accused persons succeeded in fleeing away. The name of these petitioners have been disclosed by arrested co-accused, Pradeep Mukhiya.

Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case on the basis of confessional statement made by arrested co-accused, Pradeep Mukhiya, and no incriminating material and / or illicit liquor has been recovered from the conscious possession of the petitioners. Learned counsel next submits that the petitioners are in custody since 06.07.2020 and the chargesheet has already been submitted against these petitioners and there is no likelihood that the petitioners will abscond or tamper with the evidence.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that petitioners are in custody since 06.07.2020 having no criminal antecedent and the chargesheet has already been submitted in this case, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioner No.1, Shiv Mukhiya,



petitioner No.2, Sushil Mukhiya @ Sujit Mukhiya, petitioner No.3, Mahendra Mukhiya, petitioner No.4, Umeshy Mukhiya and petitioner No.5, Chauthi Mukhiya, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Jaynagar Police Station Case No. 181 of 2019, corresponding to G.R. No.700 of 2019.

(Anil Kumar Sinha, J.)

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