

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47263 of 2022

Arising Out of PS. Case No.-115 Year-2022 Thana- HARLAKHI District- Madhubani

1. SHATRUDHAN MUKHIYA @ SHATRUGHAN MUKHIYA S/o Late Bauyelal Mukhiya R/o Village - Phulhar, P.S.- Harlakhi, District - Madhubani.
2. Janki Devi W/o Shatrudhan Mukhiya @ Shatrughan Mukhiya R/o Village - Phulhar, P.S.- Harlakhi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-09-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Harlakhi
P.S. Case No. 115 of 2022 registered for the offence under
Sections 272, 273 and 34 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R., where
Petitioner No.1 is in custody since 30.04.2022 and Petitioner
No.2 is in custody since 02.06.2022 .

The allegation against the petitioners is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there was recovery of 108 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that alleged recovery of illicit liquor was made behind the house of the petitioners, which is accessible by general public and, as such, it cannot be said that recovery of illicit liquor was made from conscious physical possession of the petitioners. It is further submitted that Petitioner No.1 and Petitioner No.2 are husband & wife, where Petitioner No.1 having clean antecedent and Petitioner No.2 is involved in one more criminal case, where she is on bail. While concluding the argument, it has been submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was not made from the conscious physical possession of the petitioners, coupled with the fact that charge-sheet has been submitted, let both above named petitioners, are directed to be released on bail in connection with Harlakhi P.S. Case No. 115 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand)



each with two sureties of the like amount each to the satisfaction
of learned Additional Sessions Judge-II-cum-Special Judge,
Excise, Madhubani/concerned court, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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