

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5920 of 2023

Arising Out of PS. Case No.-313 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Lalbabu Mukhiya Son Of Nagina Mukhiya R/V- Hasuaha, P.S- Muffasil
Motihari, Dist- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suresh Mukhiya
For the Opposite Party/s : Mr.Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 10-04-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under section 30(a),
32, 41(i) of the Bihar Prohibition and Excise Amendment
Act.

As per prosecution case, informant after getting a
secret information reached at the place of occurrence and
recovered 70 liters country made liquor from the bank of
Hasuaha river, one of them who was apprehended on the



spot disclosed name of this petitioner after that this case has been lodged.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on the basis of confessional statement of co-accused, namely, Sonalal Mukhiya. It is further submitted that the petitioner has no concern with the alleged recovered country made liquor. Neither he is the owner of the field from where recovery is made nor any incriminating article has been recovered from his conscious possession. Moreover, the petitioner is languishing in judicial custody since 22.10.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Muffasil P.S. Case No. 313 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Exclusive Special Excise Judge-I,
East Champaran at Motihari.

(Sunil Kumar Panwar, J)

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