

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.16602 of 2023**

Arising Out of PS. Case No.-121 Year-2022 Thana- KUNALI District- Supaul

Kailash Mukhiya @Kailu Mukhiya Son Of Late Debki Mukhiya Resident Of  
Village - Bathnaha, Ward No. - 19, P.S. - Kunali, Distt. - Supaul

... .. Petitioner/S

Versus

The State Of Bihar Advocate General Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Nityanand

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR  
ORAL ORDER**

2      29-04-2023                      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) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 1485 liters of illicit Nepali liquor from two boats in the river of Koshi and the petitioner is alleged to be fled away from the place of occurrence.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. The petitioner is not named in FIR and he has falsely been implicated in this present case on the basis of secret information. A statement has been made in para-3 of the petition



that the petitioner has got no criminal antecedent. The petitioner has no concern with the alleged recovery of illicit liquor or with the place of occurrence. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. Moreover, the petitioner is languishing in judicial custody since 19.1.2023.

Learned APP appearing for the State has vehemently opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kunauli P.S. Case No. 121 of 2022 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 Judge, Excise Court No.2, Supaul.

**(Sunil Kumar Panwar, J)**

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