

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44281 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- FULKAHA District- Araria

Pradeep Kumar Mukhiya S/O Bilat Mukhiya R/O Village- Bairiya, P.S-
Chhatapur, Distt.- Supaul.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

3. The petitioner seeks bail in connection with
Fulkaha P.S. Case No. 52 of 2023 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and
is in custody since 11.05.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 810 litres of IMFL/country made liquor
from the alleged vehicle.

6. Learned counsel appearing on behalf of the



petitioner submitted that petitioner was not apprehended on spot and subsequently, his arrest was made on the basis of disclosure of apprehended co-accused persons, alleging thereof that petitioner was the driver of alleged Scorpio vehicle from which alleged illicit liquor appears to be recovered. It is further submitted that from the fact of this case, it can be safely gathered that alleged recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner, who is a man of clean antecedent. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, and by taking note of the fact as alleged recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 11.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Fulkaha P.S. Case No. 52 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only)



with two sureties of the like amount each to the satisfaction of
learned Spl. Exclusive Excise Court No. 2 at Araria/concerned
court, subject to the conditions as mentioned under Section 437
(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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