

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55922 of 2023

Arising Out of PS. Case No.-238 Year-2022 Thana- PAKRIDAYAL District- East Champaran

Darshan Mukhiya, S/O Yogendra Mukhiya R/O Village - Sisahani, P.S. -
Pakaridayal

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Alka Singh

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 25-08-2023 1. Heard learned counsel for the petitioner and learned
APP for the State.
2. The petitioner seeks bail in anticipation of his arrest
in a case registered for the offences punishable under Sections
272, 273 of the I.P.C. and Section 30(a) and 30(c) of the Excise
Act.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and the allegation is of
recovery of 05 litres of liquor along with 200 of mahua pass from
the house of the petitioner. Further, mahua pass was destroyed at
the spot.
4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and he came to be



implicated at the instance of Chaukidar with whom he is on an inimical term. It is next submitted that even the alleged recovery is from the house, which is a joint family property and thus, it cannot be alleged with certainty that it was the petitioner, who had kept the liquor in the house or the liquor kept in the house was within his knowledge. It is next submitted that petitioner because of his antecedent came to be implicated, when so many family members are residing in the house.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.02, East Champaran at Motihari in connection with Pakaridayal P. S. Case No.238 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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