

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70080 of 2023

Arising Out of PS. Case No.-454 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

=====

Visheshar Mukhiya @ Bisheshar Mukhiya, aged about 38 years, Gender-
Male, Son Of Vijali Mukhiya, Resident of Village- Bharwaliya Bin Toli, P.S.-
Mufassil, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-11-2023 Heard Mr. Brajesh Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. Suresh Prasad

Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Muffasil P.S. Case No. 454 of 2023 registered for the
offence punishable under Sections 30(a), 32, 41(i) of the Bihar
Prohibition and Excise Act as amended up-to-date.

3. Allegation is recovery of 10 litres of country made
liquor from a motorcycle belonging to the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Nothing was recovered
from the conscious possession of the petitioner. Petitioner has



no concern with the alleged seized liquor, neither he is involved in trade of illicit liquor. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made against the petitioner in the FIR, this Court would have granted pre-arrest bail to the petitioner without imposing any condition, however, finding that for similar offence committed under Bihar Prohibition and Excise Act he has been made accused in almost five cases, the petitioner, above named, is directed to be released on **provisional bail** for a period of one year if two responsible persons of means of the village of the petitioner file undertaking along with the petitioner that he will not involve in any criminal activity in future and in the event of his arrest or surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 100,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 1, East Champaran, Motihari, in connection with Muffasil P.S. Case No. 454 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



7. In case, it is found that the petitioner commits any offence within the aforesaid period, the bail bonds of the petitioner shall be cancelled. In case, the petitioner does not commit any offence for the period of one year, the provisional bail granted to the petitioner shall be made absolute on such terms and conditions as learned Court below deems it fit and proper.

8. Accordingly, the present bail application is disposed of.

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

