

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74148 of 2023

Arising Out of PS. Case No.-317 Year-2019 Thana- BENIPATTI District- Madhubani

Suresh Mukhiya Son Of Ram Briksh Mukhiya Resident Of Village Urain
Balhi Tola P.S Benipatti District Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Benipatti P.S. Case No. 317 of 2019, registered on 10.11.2019 for the alleged offences under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, police received secret information about some miscreants smuggling illicit liquor on motorcycle. On seeing the police party miscreants fled away leaving behind three motorcycles and recovery of total 315 litres of illicit country made Nepali liquor was made from these motorcycles. The petitioner is stated to be owner of one of the motorcycles and from which recovery of 135 litres of country made liquor was made.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is owner of TVS motorcycle bearing Registration No. BR-32AA-6254 but on the date of occurrence the said motorcycle was loaned to his friend by this petitioner in good faith and petitioner has no knowledge about liquor being carried on motorcycle and subsequently it was seized by the police. From the FIR it is clear that nothing has been recovered from the conscious possession of the petitioner who was not apprehended from the spot and petitioner is in custody since 21.07.2023 and charge sheet has been submitted. Petitioner has been made accused in two cases of similar nature but he is on bail in both these cases.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner above named, is directed to be released on bail on



furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 2nd -cum- Special Judge, Excise Act, Madhubani/concerned court in connection with Benipatti P.S. Case No. 317 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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