

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76331 of 2023

Arising Out of PS. Case No.-15 Year-2022 Thana- ARER District- Madhubani

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Ram Chandra Mukhiya Son of Sant Mukhiya Resident of Village- Kushmaul,
P.S. - Arer, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2023 Heard Mr. Subhash Kumar Jha, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Arer P.S. Case No. 15 of 2022 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a)(d) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. In course of raid, 5 litres of Chulai liquor and 15 litres of Jaggery mixture were recovered.

4. It is submitted on behalf of the petitioner that from the narrations made in the F.I.R., it is evident that the alleged recovery has been made from the thatched house of the petitioner, which is a joint family house where several persons



have been residing and moreover for the alleged recovery only the petitioner and his wife have been made accused. The petitioner is a man of fair antecedent. He next submits that the falsity of the case is also evident from the fact that, had the recovery been made from the house of the petitioner, there would have certainly been the signature of any of the family members or the neighbours in the seizure list, but the witnesses are non-else than the police personnel. That apart, the copy of the seizure list has not been handed over to any person, related to the petitioner.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a joint family house, where several persons have been residing. That apart, there is other infirmities as pointed out by the learned counsel for the petitioner, coupled with the fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with



two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Arer P.S. Case No. 15 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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