

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.78185 of 2023**

Arising Out of PS. Case No.-222 Year-2023 Thana- BENIPATTI District- Madhubani

SHYAM MUKHIYA Son of Hakaru Mukhiya @ Akalu Mukhiya Resident of  
Village - Chholkara, 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 .Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

2      07-12-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with  
Benipatti P.S. Case No. 222 of 2023, G.R. No. 1447 of 2023,  
instituted for the offences under Sections 272, 273/34 of the  
Indian Penal Code and 30(a) of the Bihar Prohibition and Excise  
Act.

3. Prosecution allegation, in short, is that police raided  
the house of Rakesh Mukhiya @ Chhote Mukhiya and total  
278.04 litres of foreign liquor was recovered from the house and  
apprehended three persons on the spot including this petitioner.

4. It has been submitted on behalf of the petitioner that  
the petitioner is in custody since 29.09.2023 and has two



criminal antecedent but he is on bail in both the cases. The petitioner has falsely been implicated in the present case only because he was present in the house of the accused at the time when police conducted raid. Nothing has been recovered from the conscious possession or from the house of the petitioner. Petitioner has no concern with the alleged recovery, rather the recovery has been made from the house of co-accused Rakesh Mukhiya @ Chhote Mukhiya.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and fact that nothing was recovered from the possession or from the house of the petitioner, as well as the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Benipatti P.S. Case No. 222 of 2023, G.R. No. 1447 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of



the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

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