

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9935 of 2024

Arising Out of PS. Case No.-105 Year-2023 Thana- KHIRHAR District- Madhubani

Panchan Mukhiya S/o Asharfi Mukhiya R/o Vill - Kauaha Barahi, P.S. - Harlakhi, Dist. - 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. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 20-02-2024 1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Khirhar P.S. Case No. 105 of 2023 instituted for the offences punishable under Sections 272, 273, 414/34 of the Indian Penal Code and Sections 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 126 litres of liquor was recovered from two motorcycles out of which 54 litres liquor was recovered from the motorcycle of this petitioner.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case only on the basis of suspicion. No incriminating article has been



recovered from the conscious possession of the petitioner. Learned counsel further submitted that petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 06.12.2023 and has one criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP 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 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 Khirhar P.S. Case No. 105 of 2023.

(Rudra Prakash Mishra, J)

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