

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11198 of 2024

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

Pramod Mukhiya Son of late Chandar Mukhiya Resident of vill.- Hat Parsa,
P.S.- Harlakhi, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar, Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 22-02-2024 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 (G.R. No. 1759 of 2023) instituted
for the offences under Sections 272, 273, 414/34 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per prosecution case, the police, on receipt of
secret information, apprehended two persons on two
motorcycles loaded with bag. On search, total 126 liter illicit
liquor were recovered. The motorcycles were also seized by the
police.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 06.12.2023. Charge-sheet has been submitted in this case.

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

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 (G.R. No. 1759 of 2023).

(Rudra Prakash Mishra, J)

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