

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26377 of 2024

Arising Out of PS. Case No.-162 Year-2023 Thana- KALUAHI District- Madhubani

SANJAY MUKHIYA SON OF NAND LAL MUKHIYA RESIDENT OF
VILLAGE - BARDEPUR, POLICE STATION - KALUAHI, DISTRICT -
MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar
For the Opposite Party/s : Mr.Rana Randhir Singh

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

ORAL ORDER

2 05-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kaluahi
P.S. Case No. 162 of 2023 instituted for the offences punishable
under Sections 272, 273, 34 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 135 litres
illicit liquor was recovered from a ditch near the house of the
petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious
possession of the petitioner rather the recovery has been made



from a ditch. The petitioner has got no concern with the alleged recovery of liquor and he was also not apprehended on the spot. The petitioner is in custody since 04.09.2023, and has two criminal antecedents. 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 Kaluahi P.S. Case No. 162 of 2023.

(Rudra Prakash Mishra, J)

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