

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27420 of 2024

Arising Out of PS. Case No.-765 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Krishna Mukhiya S/O Deepa Mukhiya R/O Village- Karkaina, P.S- Muffasil,
Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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

ORAL ORDER

2 09-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Muffasil P.S. Case No.
765 of 2023, instituted for the offences punishable under
Sections 30(a), 32 and 41(1) of the Bihar Prohibition and Excise
Act.

3. The prosecution case, in short, is that, 20 liters
liquor was recovered from the place of occurrence near palm
tree in Harkaina Chawar.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got



no concern with the alleged recovery of liquor. It is further submitted that the alleged place of recovery is an open place which accessible to everyone and name of the petitioner has transpired on the basis of disclosure made by local chowkidar. The petitioner is in custody since 21.01.2024 and has got two criminal antecedents in which the petitioner is on bail. There is no compliance of Section 100 of 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Muffasil P.S. Case No. 765 of 2023.

(Rudra Prakash Mishra, J)

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