

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29307 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- JAYNAGAR District- Madhubani

1. Mithilesh Mukhiya, aged about 35 years, Male.
2. Khanna Mukhiya @ Rajesh Khanna Mukhiya, aged about 40 years, Male.
Both Son of Gudri Mukhiya, Resident of Village- Korahiya, P.S.- Jaynagar,
District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 18-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Jaynagar P.S. Case No. 28 of 2024 instituted for the offences punishable 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 the prosecution case, total 225 liters of illicit liquor and two motorcycles have been recovered from the place of occurrence.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence and have falsely been implicated in this case only on the basis of



suspicion. It is further submitted that nothing has been recovered from the conscious possession or from the house of the petitioners. It is also mention that recovery has been made is also not belongs to the petitioners and the same is an open place. Petitioners are in custody since 15.02.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani dated 13.03.2024, it appears that there is recovery from the open place and no any independent witness of the seizure list, accordingly the prayer for bail of the petitioners are allowed. Let the petitioners above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise, Madhubani in connection with Jaynagar P.S. Case No. 28 of 2024.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen days) from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioners shall be released on



bail on above conditions and they shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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