

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32312 of 2024

Arising Out of PS. Case No.-56 Year-2024 Thana- PAKRIDAYAL District- East Champaran

Kunjan Mukhiya @ Kundan Mukhiya Son of Kailash Mukhiya R/O Vill-
Sisahani, P.S.- Pakridayal, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharamesh Kumar Srivastava, Advocate

For the Opposite Party/s : Ms.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-05-2024 Heard Mr. Dharamesh Kumar Srivastava, learned
counsel appearing on behalf of the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Pakridayal P.S. Case No. 56 of 2024, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

3. It is alleged that in course of patrolling, the police
intercepted a Maruti Suzuki car which is said to be used for the
trade of illicit wine. On noticing the police party, the person who
was driving the vehicle succeeded in fleeing away. On search,
total 69.12 liters foreign liquor was recovered. The local people
disclosed the name of the petitioner as the person who
succeeded in fleeing away.



4. Learned counsel appearing on behalf of the petitioner contended that the petitioner has neither any concern with the car in question nor with the alleged recovered illicit wine. It is further contended that in fact, on account of his past criminal antecedent of identical nature, his name has been implicated in this case. Barring the disclosure made by the local people, there is no material suggesting the complicity of the petitioner in the present crime. Moreover, the seizure list witnesses are not independent witnesses rather they are interested witnesses on whose submission, the FIR has been instituted against the petitioner. It is lastly contended that the petitioner undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State vehemently opposes the pre-arrest bail application and submits that the petitioner bears a criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has no concern with the seized Maruti Suzuki car and the illicit wine; coupled with the fact that save and except the disclosure made by the local people there is no material suggesting the complicity of the petitioner in the crime, let the petitioner above



named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 03, East Champaran at Motihari in connection with Pakridayal P.S. Case No. 56 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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