

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 47220 of 2024

Arising Out of PS. Case No.-138 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Manoj Mukhiya Son Of Shiv Balak Mukhiya Village- Hasuaha, Ps-
Muffasil, Dist- East Champaran At Motihari
 2. Rameyad Mukhiya @ Ramadya Mukhiya Son Of Sohrayi Mukhiya Village-
Hasuaha, Ps- Muffasil, Dist- East Champaran At Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar, Adv
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioners and learned
A.P.P for the State.

2. The petitioners have preferred this application for
grant of regular bail in connection with Muffasil P.S. Case No.
138 of 2022 dated 27.02.2022 registered for the offences
punishable u/s 30(b), 32, 41(1) of the Bihar Prohibition and
Excise Act.

3. As per the prosecution case, total 1000 litres of raw
material of liquor was recovered from the bank of the Sikrahana
river.



4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court *vide* order dated 29.0.2024 passed in Cr. Misc. No. 86176 of 2024. The petitioners have no concern with the alleged recovery. The recovery has been made from an open place which is accessible to anyone. Nothing has been recovered from the conscious possession of the petitioners. The petitioner no. 1 has two criminal antecedents and petitioner no. 2 has one criminal antecedent as stated in para 3 of the bail petition. The petitioner no. 1 is in custody since 16.03.2024 and the petitioner no. 2 is in custody since 04.05.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation levelled against the petitioners and the period of custody, the petitioners above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran, in connection with Muffasil P.S.



Case No. 138 of 2022.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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