

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48511 of 2024**

Arising Out of PS. Case No.-236 Year-2023 Thana- LAKHNAUR District- Madhubani

Kari Mukhiya Son of Makeshwar Mukhiya R/O Vill.- Partapur, P.S.-  
Jhanjharpur, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ravi Prakash, Adv.

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

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

ORAL ORDER

2      12-07-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Lakhnaur P.S. Case No. 236 of 2023 registered 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, 2018.

3. As per prosecution case, the police, on receipt of secret information, recovered 360 liters of illicit Nepali country-made liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that nothing incriminating has



been recovered from conscious possession or from the house of the petitioner. The name of the petitioner has surfaced in this case in course of investigation on the basis of disclosures made by the local Chaukidar. The petitioner has one criminal antecedent in which he is on bail as has been stated in paragraph no.3 of the present application. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Shambhu Saday has been granted regular bail by this Court vide order dated 30.04.2024 passed in Cr. Misc. No. 32385 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned court below where  
the case is pending/successor court in connection with Lakhnaur  
P.S. Case No. 236 of 2023, subject to the conditions as laid  
down under Section 438 (2) of the Cr.P.C.

**(Rudra Prakash Mishra, J)**

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