

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 53337 of 2024**

Arising Out of PS. Case No.-112 Year-2024 Thana- SANGRAMPUR District- East
Champaran

Heera Mukhiya, S/o Kuanwar Mukhiya, R/o vill - Chatiya Barharwa, P.S. -
Areraj, Distt. - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 28-08-2024 1. Heard learned counsel appearing on behalf

of the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.
2. The accused/petitioner is named in F.I.R.

and apprehending his arrest in connection with

Sangrampur P.S. Case No. 112 of 2024, registered for

the offences punishable under Section 30(a) of the Bihar

Prohibition and Excise Act, 2016.
3. The allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor,

where, there is recovery of 8 litres of IMFL/country



made liquor from the motorcycle.

4. Learned counsel appearing on behalf of the petitioner submitted that the implication of this petitioner with present occurrence is for only reason that he is the registered owner of the motorcycle, from where the alleged illicit liquor was said to be recovered. It is submitted that admittedly the petitioner was not apprehended on spot and therefore, it can be said safely that no illicit liquor was recovered from the physical possession of the petitioner, who is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances as recovery of alleged illicit liquor *prima facie* appears doubtful from the possession of petitioner, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No. 1, Motihari, East Champaran/concerned Court, where the case is pending in connection with Sangrampur P.S. Case No. 112 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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