

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59344 of 2024

Arising Out of PS. Case No.-982 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Rakesh Mukhiya Son of Laxman Mukhiya @ Lakshaman Mukhiya Resident
of Village - Chailahan Bin Toli, P.S. - Banjariya, District - East champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate
For the Opposite Party/s : Ms. Pronoti Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 06-09-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner seeks bail in a case registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of six cases.
4. Allegation is of recovery of 35 litres of liquor from
the bank of a river.
5. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and even the alleged
recovery is from a place which does not belong to the petitioner
and is accessible to public at large. It is further submitted that



petitioner came to be implicated at the instance of the local villager but then the police in majority of the cases implicate either at the instance of the Chawkidar, local villager, secret information or confessional statement in a mechanical manner without holding proper investigation of the case. It is next submitted that once an accused is implicated in a case relating to excise, the police start implicating mechanically and petitioner is in custody since 25.06.2024.

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

7. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Turkaulia (Banjariya) P.S. Case No. 982 of 2023.

(Satyavrat Verma, J)

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