

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72282 of 2024

Arising Out of PS. Case No.-238 Year-2024 Thana- JAYNAGAR District- Madhubani

Shobhit Mukhiya S/O Devan Mukhiya Resident of Village- Korahia, Police
Station- Jaynagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Adv.

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 03-10-2024 Heard Learned Counsel for the petitioner and

Learned A.P.P. for the State.

2. The present Criminal Miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “the BNSS”) for seeking regular bail in connection with Jaynagar P.S. Case No.238 of 2024 lodged on 23.08.2024 arising out of G.R. Case No.1191 of 2024 under Sections 274, 275, 317(5) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, the F.I.R. has been lodged against three named accused persons including the petitioner against whom allegation of recovery of total 96 liter Nepali wine has been made, which is subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits



that from the seizure list, it transpires that the alleged wine has not been recovered from the petitioner's possession rather it has been recovered from bush situated behind the petitioner's house, and therefore, he is innocent.

5. Learned Counsel further submits that petitioner is in custody since 24.08.2024 having clean antecedent.

6. Learned Counsel for the State opposes the prayer for bail, but fairly submits that sections 274, 275 of the Bharatiya Nyaya Sanhita, 2023 have been added and it is nowhere alleged that it is an adulterated and noxious food.

7. Learned Counsel further submits that from the seizure list, it transpires that the recovery has been made from the possession of the petitioner and from the prosecution, the said recovery has been made after disclosure of the petitioner, therefore he is well-aware that he has kept the said wine.

8. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail after framing of charge.

(Dr. Anshuman, J.)

Prakashmani/-

U		T	
---	--	---	--

