

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2674 of 2025

Arising Out of PS. Case No.-409 Year-2024 Thana- MADHUBANI TOWN District-
Madhubani

Chirai @ Hirai Mukhiya @ Hiray Mukhiya S/o Late Matar Mukhiya R/o
Village- Bhakhrauli, ward no- 12, PS- Town, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 15-02-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, in connection with G.R. No. 1326 of 2024, arises out of Madhubani Town Police Station Case No. 409 of 2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, as per the First Information Report, is that on 20.09.2024, police got the information that petitioner was indulged in selling of illicit liquor, proceeded towards the place of occurrence, upon seeing the police party, the petitioner along with his family members fled away. On search, total 18 litre of Nepali Soufi country-made has been recovered from the cowshed of the petitioner.

4. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in this case and has



committed no offence. He further submits that petitioner is having no criminal antecedent and the illicit liquor has been recovered from the cowshed which is situated outside of the house of the petitioner and is accessible to all.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that liquor has been recovered from the open cowshed which is accessible to all and the petitioner is having no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, (Excise Act), Madhubani, in connection with G.R. No. 1326/2024, arises out of Madhubani Town Police Station Case No. 409 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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