

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4285 of 2025

Arising Out of PS. Case No.-523 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

Mukhi Rai @ Mukhi Yadav Son of Late Ramchandra Rai Village - Tikuliya,
Ps- Muffasil, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No. III, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 30-04-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Muffasil P.S. Case No. 523 of 2023 dated 24.07.2023 registered for the offences punishable u/ss 414 of the IPC and Section 30(a), 32 and 41 (1) of the Bihar Prohibition and Excise Act and Section 8/20(b)(ii) (c), 23, 25 and 29 of the NDPS Act.

3. As per the prosecution case, total 1.5 gram charas and 250 litres spirit were recovered from the Bolero vehicle which were being transported by the petitioner and the co-accused person.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. The petitioner has no concern with the seized contraband article or Bolero vehicle. There is no recovery made from conscious possession of the petitioner. He further submits that the petitioner is named in the FIR on the basis of the confessional statement of co-accused Sahim Mohammad who is the driver of the Bolero vehicle. The petitioner is not the owner or driver of the said vehicle. The petitioner has 13 criminal antecedents out of which in 11 cases he is on bail as stated in para 3 of the bail petition. The petitioner is in custody since 22.04.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Motihari, East Champaran, in connection with Muffasil P.S. Case No. 523 of 2023, with the condition -:

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable



cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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