

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5268 of 2025

Arising Out of PS. Case No.-269 Year-2024 Thana- HARLAKHI District- Madhubani

1. Sunil Mukhiya S/o Rajeshwar Mukhiya R/o Village- Barhi, P.S.- Harlakhi, District- Madhubani
2. Firan Mukhiya S/o Ramdev Mukhiya R/o Village- Hathparsa, P.S.- Harlakhi, District- Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Shailendra Kumar Jha, Advocate
For the State	:	Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Harlakhi PS. Case No.269 of 2024 corresponding to G.R. No. 1446 of 2024 dated. 16.10.20204 registered for the offences punishable under Sections 274, 275, 3(5) of the B.N.S. Act and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per allegation, there is recovery of illicit liquor of 108 liters of liquor has been recovered from an open space.

4. Learned counsel for the petitioners submit that the Petitioners are innocent and have falsely been implicated in this



case. He further submits that the recovery has not been made from the conscious possession of the petitioners rather the same has been recovered from an open space.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioners have been made accused in one case each in which they are on bail.

7. learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each 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 Harlakhi PS. Case No.269 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following



conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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