

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7035 of 2025

Arising Out of PS. Case No.-176 Year-2024 Thana- JHANJHARPUR District- Madhubani

1. Kari Mukhiya S/o Makeshar Mukhiya @ Makeswar Mukhiya R/o Village- Partapur, P.S.- Jhanjharpur, District- Madhubani
2. Pawan Mukhiya S/o Sitaram Mukhiya R/o Village- Jhanjharpur, Ward No. 14, P.S.- Jhanjharpur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 13-02-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Jhanjharpur P.S. Case No. 176 of 2024, G.R. No. 742 of 2024 instituted for the offences punishable under Sections 274, 275, 3(5) of the Bharatiya Nyaya Sanhita and 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 702 litres of liquor has been recovered from bushes and banana tree.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. The name of the petitioners transpired in this case on the basis



of disclosure made by the local *chowkidar*. No incriminating article has been recovered from the conscious possession of the petitioners rather the recovery has been made from an open place. The petitioners have got no concern with the alleged recovery of liquor. The petitioners are in custody since 25.11.2024. Petitioner no. 1 has four criminal antecedent whereas petitioner no. 2 has no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jhanjharpur P.S. Case No. 176 of 2024, G.R. No. 742 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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