

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26007 of 2025

Arising Out of PS. Case No.-16 Year-2025 Thana- CHIRAIYA District- East Champaran

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Fulena Mukhiya @ Fulen Mukhia S/o Laljee Mukhiya R/o Village Hasuaha,
P.S.- Muffasil, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Alka Singh, Adv.

For the Opposite Party/s : Mr. Meena Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 28-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Chiraiya P.S. Case No. 16 of 2025 instituted for the offences
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. As per prosecution case, the police has recovered
total 200 liters of illicit country-made liquor from near brewery
of river bank. It is alleged that the local Choukidar disclosed
the name of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner was not arrested from the place of occurrence and



his name has transpired in this case on the basis of disclosures made by the local Choukidar. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has one criminal antecedent and is languishing in judicial custody since 29.01.2025 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chiraiya P.S. Case No. 16 of 2025.

(Rudra Prakash Mishra, J)

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