

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28114 of 2025

Arising Out of PS. Case No.-195 Year-2019 Thana- JAYNAGAR District- Madhubani

Mithilesh Mukhiya, aged about 38 years, Male, S/o- Gudri Mukhiya Resident of Village- Korahia, P.S.- Jaynagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-05-2025 Heard Mr. Shailendra Kumar Jha, learned counsel appearing on behalf of the petitioner and Mr. Ram Anurag Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Jaynagar P.S. Case No. 195/2019 registered for the offence(s) punishable under Sections 272/273/34/120 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, 180 litres of illicit liquor was recovered from the possession of co-accused Jatan Sahani, who disclosed the name of the petitioner along with other co-accused persons.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely



been implicated in the present case. Name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused and confessional statement made before police has no evidentiary value. Petitioner has no connection with the seized liquor.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR and also the fact that name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused and confessional statement made before police has no evidentiary value, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Addl. Sessions Judge-II-cum-Spl. Judge, Excise Act, Madhubani / Concerned Court in connection with Jaynagar P.S. Case No. 195/2019, subject to the conditions as laid down under Section 482(2) of the BNSS.



8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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