

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33941 of 2025

Arising Out of PS. Case No.-137 Year-2024 Thana- MARAUNA District- Supaul

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Laleshwar Mukhiya Son of Pannalal Mukhiya, Resident of Village - Ganaura,
Ward No.- 03, P.S.- Marauna, District - Supaul, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Marauna P.S. Case No. 137 of 2024 dated 26.12.2024, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, two persons were found travelling on the motorcycle keeping a sack in between them. On seeing the Police vehicle they started running away, but the patrolling party apprehended one person namely, Vijay Kumar who disclosed the name of this petitioner, who escaped from the clutches of the Police party. Search was conducted and recovery of 55 litres of country made chulai liquor was made from the



white coloured polythene bag kept on the motorcycle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from person or possession of the petitioner, who has no concern either with the seized liquor or from the motorcycle from which recovery has been made. Petitioner has been made accused in this case merely on the basis of confessional statement of the co-accused person and except that, there is no material against the petitioner and no offence under the provision of Bihar Prohibition and Excise Act is made out against the petitioner. The learned counsel lastly submits that the petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and further considering the clean antecedent and possibility of false implication, let the petitioner above-named, in the event of his arrest or surrender before the Court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two



sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-cum-Special Judge, Excise Court No. 1, Supaul, in connection with **Marauna P.S. Case No. 137 of 2024**, subject to the conditions as laid down under Section 482(2) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned trial Court.

(Arun Kumar Jha, J)

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