

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33793 of 2025

Arising Out of PS. Case No.-53 Year-2025 Thana- HARLAKHI District- Madhubani

Sundar Mukhiya S/O Kishor Mukhiya R/O Village- Kauha Barhi, Ward No.-
09, P.S - Harlakhi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 34660 of 2025

Arising Out of PS. Case No.-53 Year-2025 Thana- HARLAKHI District- Madhubani

Dilip Mukhiya Son of Punit Mukhiya R/O Village and Post Office- Phulhar,
P.S.- Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 33793 of 2025)
For the Petitioner/s : Mr. Ashok Kumar, Adv.
For the State : Mr. Shyam Bihari Singh, APP.
(In CRIMINAL MISCELLANEOUS No. 34660 of 2025)
For the Petitioner/s : Mr. Ratnakar Jha, Adv.
For the State : Mr. Ram Sumiran Rai, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 27-05-2025 As both these bail applications have arisen from the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.

2. Heard learned counsel for the petitioners and learned APPs for the State.

3. The petitioners seek bail in a case registered for the



offences punishable u/s 274, 275, 3(5) of the BNS, 2023 and Section 30(a) of the Bihar Excise (Prohibition) Amendment Act, 2022.

4. A perusal of the FIR and the seizure list would go to show that total 675 litres of Nepali country made liquor was recovered from a vehicle (Mahindra Xylo) bearing Registration No. HR-77B-8082 and the petitioners were arrested on chase.

5. Learned counsel for the petitioners submits that as a matter of fact, there is no recovery from the physical and conscious possession of the petitioners. They belong to the labour class against whom the allegation is that they were loading the illicit liquor on the said vehicle. It is further submitted that the petitioners were not aware as to what was being loaded on the vehicle and they were only doing their job upon payment of some labour charges. They are neither the owner nor the driver of the concerned vehicle and they had no concern with the seized liquor. It is next submitted that charge sheet has already been submitted against the petitioners and they are in custody since 08.03.2025 with no criminal antecedent.

6. Learned APPs for the State oppose the prayer for bail.

7. Considering the above-mentioned facts and



circumstances, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Harlakhi P.S. Case No. 53 of 2025, subject to the condition that one of the bailors will be a family member or close relative of the petitioners, who will give an affidavit giving genealogy as to how he is related with the petitioners.

(Soni Shrivastava, J)

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