

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33113 of 2025

Arising Out of PS. Case No.-122 Year-2023 Thana- KUNALI District- Supaul

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Dharmendra Kumar Mukhiya S/o- Kishundev Mukhiya Resident of village -
Bathnaha, Ward No. 17, Police Station - Kunali, Dist- Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Ms.Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-05-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner apprehending his arrest in

connection with Kunali P.S. Case No. 122 of 2023, registered

for the offences punishable under Section 30(a) of the Bihar

Prohibition and Excise Act, 2018.

3. The allegation against the petitioner is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there is

recovery of 124.5 litres of IMFL/country made liquor from a car.

4. It is submitted by learned counsel for the petitioner

that the petitioner was neither connected with alleged vehicle

being driver or owner nor with seized liquor. It is submitted that as



apprehended co-accused person, namely Satish Kumar named petitioner as one of the co-accused, his name was transpired with present case. It is submitted that in view of same, it can be safely said that recovery was not made from physical possession of this petitioner. While concluding argument, it is submitted that petitioner found involved in two more criminal cases, where one is of similar nature and in both cases, petitioner is on bail.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as alleged recovery of illicit liquor *prima facie* not appears to be made from the conscious physical possession of this petitioner, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise, Court No. 2, Supaul/concerned Court, where the case is pending in connection with Kunauli P.S. Case No. 122 of 2023, subject to the conditions as laid down under Section 482(2) of the BNSS, with further conditions:-

(i) That the petitioner shall



not involve in similar nature of offence
till the conclusion of trial, failing which,
the State shall be at liberty to move
before the learned Trial Court itself for
the cancellation of bail bond of the
petitioner.

(Chandra Shekhar Jha, J)

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