

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38226 of 2025**

Arising Out of PS. Case No.-353 Year-2024 Thana- JAYNAGAR District- Madhubani

1. Birendra Mukhiya @ Virendra Mukhiya @ Brind Mukhiya Son of Sinehi Mukhiya R/O Village- Korahiya, P.S.-Jaynagar, District- Madhubani
2. Rajesh Khanna Mukhiya @ Khanna Mukhiya Son of Gudri Mukhiya R/O Vill- Korahiya, P.S.- Jaynagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms.Kumari Pallavi, Adv.

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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

ORAL ORDER

2      19-06-2025                      Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Jaynagar P.S. Case No. 353 of 2024 instituted for the offences under Sections 274, 275 of the Bhartiya Nyaya Sanhita and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered 90 liters of illicit liquor from the hut of the petitioner no.1 whereas 135 liters of liquor has been recovered from the straw kept in the courtyard.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as



alleged against them and have falsely been implicated in the present case. The petitioners were not arrested on the place of occurrence and, as such, nothing incriminating has been recovered from their conscious possession. The names of the petitioners have transpired in this case in course of investigation on the basis of the secret information given by the local Chowkidar. The place of occurrence from where the alleged recovery of illicit liquor has been made is an open place which is accessible to one and all. The petitioners have no concern with the other co-accused persons. The petitioners have also 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 no.1 has two criminal antecedents in which he is on bail whereas petitioner no.2 has seven criminal antecedents of similar nature of offence and is also on bail in all of the cases and both of them are languishing in judicial custody since 18.03.2025 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 petitioners.

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 petitioners, let the petitioners, abovenamed, be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jaynagar P.S. Case No. 353 of 2024, subject to the following conditions;

- (i) One of the bailor(s) shall be the own/close family members of the petitioners.
- (ii) The petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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