

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84113 of 2024

Arising Out of PS. Case No.-350 Year-2021 Thana- SIDHWALIYA District- Gopalganj

Pradip Mukhiya @ Pradip Bin, S/o Shri Mukhiya, Resident of Village-
Sangrampur, P.S.-Sangrampur, Dist-East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Saurabh Kumar, Advocate

For the Opposite Party : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-01-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Sidhwaliya P.S. Case No.350 of 2021 registered under Sections 272, 273, 414, 120-B read with 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 80 liters of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for the petitioner that the name of petitioner transpired in this case on the basis of disclosure of apprehended co-accused,



namely, Nikesh Kumar and Bikesh Kumar. It is submitted that the name of the petitioner by apprehended co-accused was taken due to local disputes and differences and also out of suspicion arising from his criminal antecedents, as the petitioner found involved in three more criminal cases, where he is on bail. It is pointed out that in maximum of the cases, name of petitioner transpired out of disclosure/confessional statement of co-accused persons having no evidentiary value under law. It is pointed out that no alleged illicit liquor appears to be recovered from the physical possession of this petitioner. It is also pointed out that the named co-accused Sonu Ram was granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.14762 of 2022 dated 29.07.2022.

5. Learned APP opposed the prayer of anticipatory bail.

6. In view of aforesaid factual submissions, as the recovery of illicit liquor was not made from the conscious physical possession of this petitioner, accordingly, the petitioner, above-named, is directed to be released on bail, in



the event of his arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Session Judge-XIII-cum-Special Excise Court No.1, Gopalganj in connection with Sidhwaliya P.S. Case No.350 of 2021, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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