

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88206 of 2024

Arising Out of PS. Case No.-503 Year-2024 Thana- HARSIDHI District- East Champaran

Kapil Mukhiya @ Kapil Been S/o- Sukat Mukhiya @ Sukat Been Village-
Chandrahiya Ps-Harsidhi Dist-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Adv. Mr. Deepak Kumar, Adv. Mr. Dhandev Kumar, Adv. Mr. Anil Kr. Sinha, Adv.
For the Opposite Party/s	:	Ms. Sangeeta Sharma, APP

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

ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Harsidhi
P.S. Case No. 503 of 2024 instituted for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. The prosecution case, in short, is that total 12 liters
of illicit liquor has been recovered from the possession of the
petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case due to
dirty village party politics. He submits that the alleged liquor
was being carried by unknown person and, thus, the petitioner



has no concern with the alleged recovery of illicit wine. Nothing incriminating article has been recovered from the conscious possession of the petitioner rather the recovery has been made from an open place. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 25.09.2024 and has no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Harsidhi P.S. Case No. 503 of 2024.

(Rudra Prakash Mishra, J)

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