

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.52602 of 2015**

Arising Out of PS.Case No. -43 Year- 2015 Thana -KANGALI District-  
WESTCHAMPARAN(BETTIAH)

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Murari Sah. s/o Sri Jagdeo Sah, resident of village-Daptand Majharia, P.S-  
Kangali, District – West Champaran.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Umeshnand Pandit(App)

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      14-12-2015      Heard the learned counsel for the petitioner and the learned  
A.P.P. for the State.

The petitioner apprehends arrest in connection with Kangali  
P.S. Case No. 43 of 2015, dated 15.09.2015 for the offence  
punishable under Section 47(a) of the Excise Act.

The prosecution case is that during the patrolling duty  
informant along with Police force reached Kathiya-Mathiya  
Chowk, where he received confidential information to the effect  
that a person was about to come from the side of Nepal with  
country made liquor, and on such information, he stayed in  
ambush, and at about 2.40 P.M., a person was seen coming on an  
old bicycle with a bundle on its carrier, but seeing police force, he  
started fleeing away towards Nepal leaving the bicycle and the  
bundle kept on the carrier. The Police chased to nab the culprit,

but he succeeded in fleeing towards Nepal.

On search of the bundle, 17 litres of illicit Nepalese liquor kept in black colored tube was recovered.

In the meantime, another person was seen coming on foot from the side of Nepal with a bag in his hand, and on search, three Pepsi bottles and black colored polythene full of illicit liquor was recovered from the bag being carried by him, and the apprehended person disclosed his name as Bijlal Mukhiya, and on query further disclosed that he was carrying 08 liters of illicit liquor for his personal consumption and thereafter in presence of two witnesses, namely, Radhey Yadav and Akhtar Mian, the recovered article was seized, and seizure-list was prepared.

The villagers assembled there disclosed the name of the person, who succeeded in fleeing away as Murari Sah (petitioner).

It has been submitted by the counsel for the petitioner that he is not named in the F.I.R., the villagers of the area has taken the name of the petitioner as made out in the F.I.R. and on the basis of which the prosecution case has been launched against the petitioner. It has further been submitted that the allegations are vague and the name of the villagers on whose behest, the name of the petitioner surfaced has also not been mentioned in the F.I.R. Furthermore, the petitioners submits that Bijlal Mukhiya, another

co-accused from whose possession the illicit liquor has been recovered has also not disclosed the name of the petitioner. The petitioner had the clean antecedent as is evident from para 3 of this petition and no seizure has been made from the possession of the petitioner.

Be that as it may, let the petitioner, above named, in the event of arrest or surrender in the court below within six weeks from today be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Kangali P.S. Case No. 43/2015 subject to the conditions as laid down u/s 438(2) of the Cr.P.C.

**(Nilu Agrawal, J)**

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