

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.33006 of 2014**

Arising Out of PS.Case No. -7 Year- 2014 Thana -GOVERNMENT OFFICIAL COMP. District-  
MADHUBANI

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Ram Narayan Mukhiya @ Chholi Mukhiya, son of Apaksh Mukhiya,  
resident of Village - Manga Toli Belahi Baharban , Police Station –  
Kaluahi, District - Madhubani .

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance:**

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate.

For the Opposite Party/s : Mr. (APP)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**

**ORAL ORDER**

2      09-02-2015

Heard both sides.

The petitioner apprehends his arrest in G.O. No. 7/14,

Tr. No. 3178/14, registered under Section 47A of the Excise Act.

According to the prosecution report, on secret information, the house of the petitioner was raided and 50 litres of country-made liquor made of Mahua as well as 1000 kg. of Java Mahua were recovered.

Mr. Rama Kant Sharma, learned senior counsel for the petitioner, submits that it is not the exclusive house of the petitioner as the petitioner happens to be five brothers. The petitioner is aged about 27 years, but in the seizure list, his age is mentioned as 40 years. There is no independent witness in the seizure list. Not even a single member is made to sign on the

seizure list.

Considering the fact that there is specific allegation that the petitioner had kept 50 litres of country-made liquor and 1000 kg. of Java Mahua, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

The petitioner is directed to surrender in the court below within four weeks from today and make prayer for regular bail. The court below shall consider the prayer for regular bail of the petitioner taking into account that this is the first offence in which the petitioner has been made accused and small quantity of liquor is recovered.

**(Prabhat Kumar Jha, J)**

Dilip/-

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