

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12528 of 2017

Arising Out of PS.Case No. -222 Year- 2016 Thana -KUSHESHWARSTHAN District-
DARBHANGA

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1. Ram Lakhan Mukhiya @ Lakhan Mukhiya @ Lukhan Mukhiya, Son of Late Lakshmi Mukhiya.
2. Neelam Devi @ Nilam Devi, Wife of Ram Lakhan Mukhiya, Both are resident of Village- Tilleshwar Tole, Karain, P.S.- Kusheshwar Asthan, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 29-03-2017 The petitioners are apprehending their arrest in connection with Kusheshwar Asthan (Tilleshwar O.P.) P.S. Case No. 222 of 2016, registered for offences punishable under Sections 272, 273/34 Indian Penal Code and Section 30(a)(f)(d) and 36 and 47 of the Bihar Excise Act.

It has been submitted on behalf of the petitioners that petitioners are wife and husband and it is alleged that two litres of country made liquor has been recovered in this case, however, the same has not neither been recovered from the house of the petitioners nor from their conscious possession.

Heard learned A.P.P. also.



Having heard both sides, in view of Section 76 (2) of Bihar Excise and Prohibition Act, 2016, let petitioners surrender before the court below and pray for regular bail and if any such application is filed, the court below after considering the fact that only two litres of country made has been recovered and that too not from the conscious possession of the petitioners, shall pass an appropriate order, without being prejudiced by the order of this Court.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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