

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37636 of 2017

Arising Out of PS. Case No.-42 Year-2016 Thana- SANGRAMPUR District- East
Champaran

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1. Indal Mukhia,
 2. Ramchandra Mukhia @ Ram Sundar Mukhia
 3. Indrajit Mukhia, All Son of Lalbaboo Mukhia, Resident of
Village- Koirganawa, P.S.- Sangrampur, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Anuj Kumar

For the Opposite Party/s : Sri Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 29-11-2017 Considering the fact that petitioner no. 1 is having criminal antecedent and he was earlier also an accused in offences relating to Bihar Prohibition and Excise Act, 2016, learned counsel for the petitioners requests for allowing him to withdraw the present anticipatory bail petition so far petitioner no. 1 Indal Mukhia is concerned.

The prayer is allowed.

Accordingly, anticipatory bail petition so far petitioner no. 1 Indal Mukhia is concerned, stands dismissed as not pressed.

Heard Sri Anuj Kumar, learned counsel for the petitioners and Sri Parmeshwar Mehta, learned Additional Public Prosecutor.



The remaining petitioners i.e. petitioner no. 2 and 3 namely Ramchandra Mukhia @ Ram Sundar Mukhia and Indrajit Mukhia respectively, apprehending their arrest in Sangrampur P.S. Case No. 42 of 2016 , registered for the offence under Sections 272, 273 of the Indian Penal Code, 1860 and Section 47 of the Bihar Prohibition and Excise Act, 2016 have prayed for grant of bail in the event of their arrest or surrender.

By way of referring to the F.I.R., learned counsel for the petitioners submits that only on suspicion on source information it was shown as if petitioners were involved in preparing illegal liquor and Police arrived on a vacant land not belonging to the petitioners and found some articles and it was stated as if accused persons had fled away. It has been argued that save and except suspicion and secret information, there is no other material to connect the petitioners in the present case. Besides this, petitioner no. 2 and 3 i.e. Ramchandra Mukhia @ Ram Sundar Mukhia and Indrajit Mukhia are having fair antecedent , which fact has been stated in paragraph no. 3 of the petition.

In view of the facts and circumstances and in view of fact that petitioners' name has come only on secret information and there is no recovery either from their conscious possession



or their house or land as well as their clean antecedent, let the two petitioners i.e. Ramchandra Mukhia @ Ram Sundar Mukhia and Indrajit Mukhia in the event of their arrest or surrender within a period of six weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari / concerned court in connection with Sangrampur P.S. Case No. 42 of 2016 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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