

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25456 of 2018

Arising Out of PS.Case No. -17 Year- 2018 Thana -BITHAN BAZAR District- SAMASTIPUR

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1. Indal Mukhiya, S/o Mahendra Mukhia,
2. Shankar Mukhiya S/o Kusho Mukhiya,
3. Sushil Mukhiya S/o Madan Mukhia All are R/o Vill.- Bithan Sahni Tola,
P.S.- Bithan, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar

For the Opposite Party/s : Mr. Sri Satyadev Prasad Singh Yadav

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections-272 & 273 of the Indian Penal Code and Sections-30(a) & 30(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 190 Kg. Java is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses against the petitioners. The name of the petitioners has transpired on the basis of disclosure made by the local Chowkidar. The alleged recovery was made from joint house of the petitioners where other family members also reside. Except for this,



there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that out of 190 Kg. Java, 10 kg. Java, 10 Kg. Java and 5 Kg. Java was recovered from joint house of petitioner Nos. 1, 2 & 3 respectively. The petitioners had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge, Excise, Samastipur in connection with Bithan P.S. Case No. 17 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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