

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44902 of 2018

Arising Out of PS.Case No. -158 Year- 2017 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

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1. Musafir Mukhiya @ Mosafir Mukhiya @ Mochhu Mukhiya S/o
Jugeshwar Mukhiya, R/o Vill.- Barharwa Siwan, P.S.- Dhaka, District- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sri Niwas Jha

For the Opposite Party/s : Mr. Sri Dilip Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 25-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 420, 353, 120B, 272 and
273/34 of the Indian Penal Code and Sections 30(a), 37(b) and 45
of the Bihar Prohibition and Excise Act, 2016.

17.100 litres of Nepali liquor is said to have been
recovered from the house of Naga Mukhiya and one Munnilal
Mukhiya was apprehended from the said house who disclosed the
name of the petitioner as one of his accomplices in the occurrence.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the



conscious physical possession of the petitioner. He has no concern either with the seized liquor or with the place of recovery. He has been falsely implicated in the case by the apprehended accused Munnilal Mukhiya due to animosity. Barring the aforesaid disclosure, there is nothing in the record indicating the complicity of the petitioner in the occurrence. He was not apprehended on the spot. Though two more criminal cases have been lodged against the petitioner, but he is on bail in the aforesaid cases. He has been languishing in custody since 03.04.2018.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-VII cum Special Judge, Excise, East Champaran, Motihari in connection with Dhaka P.S. Case No. 158 of 2017.

(Prakash Chandra Jaiswal, J)

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