

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69412 of 2018

Arising Out of PS. Case No.-39 Year-2018 Thana- DHAKA District- East Champaran

Mosafir Mukhiya, Son of Late Yogeshwar Mukhiya, Resident of Village-
Barharwa Siwan, P.S.- Dhaka, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Smt. Bandana Singh

For the Opposite Party/s : A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 30-11-2018 Heard Smt. Bandana Singh, learned counsel for the
petitioner and learned Additional Public Prosecutor.

The sole petitioner who is in custody in connection with Dhaka P.S. Case No. 39 of 2018 registered for the offence under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016 has prayed for grant of bail.

It was argued by learned counsel for the petitioner that it is a peculiar case in which though recovery of country made Nepali wine was shown from possession of one of the co-accused /Ajay Mukhiya, the petitioner has been made accused as if he was associate of Ajay Mukhiya. Learned counsel for the petitioner has drawn my attention to Annexure '2' to the petition i.e. copy of the order dated: 26.04.2018 passed in Cr. Misc. No. 25366 of 2018 to show that Ajay Mukhiya from



whose possession recovery was shown was granted anticipatory bail.

Considering the fact that nothing was recovered from conscious possession of the petitioner as well as the fact that one of the co-accused from whose possession recovery was made has been granted anticipatory bail, there is no reason to further detain the petitioner.

Let the petitioner - Mosafir Mukhiya 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 learned Special Judge, Excise, Motihari / concerned court in connection with Dhaka P.S. Case No. 39 of 2018.

(Rakesh Kumar, J)

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