

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.631 of 2019

Arising Out of PS. Case No.-162 Year-2018 Thana- SANGRAMPUR District- East
Champaran

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Gaya Mukhiya Son of Late Jado Mukhiya age about 55 years ,Male Resident
of Village- Sangrampur Bintoli, P.S.- sangrampur, District- East Champaran.
Motihari, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Usha Kumari

For the Opposite Party/s : Mr.Sri Ram Bachan Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-01-2019 The petitioner seeks bail in anticipation of his

arrest in connection with Sangrampur P.S. Case No. 162

of 2018 dated 20.09.2018 instituted for the offences

under Sections 30(a) of the Bihar Prohibition & Excise

Act, 2016.

A small quantity of liquor is said to have been

recovered from the hut of one Ashok Mukhiya. Thereafter,

it is alleged in the F.I.R that two litres of liquor was also

recovered from the hut of the petitioner.

The learned counsel for the petitioner has

submitted that petitioner was not present in his hut and



he has been falsely framed by the excise officials because the hut of the petitioner is situated adjacent to the hut of Ashok Mukhiya. Because of some protest raised by the local villagers, other persons of the village were also attempted to be made accused and in the process, recovery of two litres of liquor has been malafidely shown from the hut of the petitioner.

Since the petitioner was absent from the hut, the correctness of the seizure proceedings is seriously questioned as the seizure list has not been served upon anyone of the relatives of the petitioner.

The petitioner does not have any criminal antecedents.

Regard being had to the aforesaid facts, the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned VIIth Additional Sessions



Judge-cum-Special Judge, Excise, Motihari in connection
with Sangrampur P.S. Case No. 162 of 2018, subject to
the conditions laid down under Section 438(2) of the
Cr.P.C.

(Ashutosh Kumar, J)

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