

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7874 of 2019

Arising Out of PS. Case No.-138 Year-2018 Thana- SATHI District- West Champaran

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1. DINESH MUKHIIYA, Son of Lalan Mukhiya
 2. Ramji Mukhiya, son of Bunni Mukhiya
 3. Shambhu Mukhiya, son of Hira Mukhiya
 4. Sukat Mukhiya, son of Bunni Mukhiya
 5. Santosh Mukhiya, Son of Bhola Mukhiya
 6. Nirgun Mukhiya, Son of Santosh Mukhiya
 7. Banhu Bin @ Bannu Bin, Son of Bhagrasan Bin
 8. Banhu Mukhiya, Son of Nakchhed Mukhiya Resident of Village - Basantpur, P.S.- Sathi, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-02-2019 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 272, 273, 413, 414, 467, 468, 471/34 of the Indian Penal Code and 30(a), (b), (c) of the Bihar Prohibition and Excise, Act, 2016.

The prosecution case got initiated on the self statement of S.I. Awadhesh Kumar Jha on 10.08.2018 at 2.25 P.M. to the effect that on secret information that 50-60 persons are manufacturing illegal liquor and they are making the delivery of the said liquor through a stolen motorcycle, a raid was laid,



when six persons were apprehended, who disclosed the name of 43 other persons, as a result, 49 persons are named in the FIR. The name of the petitioners figured in the present case on arrest of seven co-accused persons. It is further alleged that on frisking from them, stolen motorcycle, cash and mobile phones etc. were recovered. It is further alleged that 500 litres of under prepared illicit country made liquor, 35 litres of illegal liquor and 90 litres of spirit were recovered from the apprehended accused persons.

It is submitted by learned counsel for the petitioners that admittedly the said recovery has not been made from the possession of the petitioners. In fact, the petitioners have been roped in the present case only on the basis of the confessional statement of apprehended co-accused persons. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioners' names have been suggested by the apprehended co-accused persons as a person who used to manufacture and deliver the illegal liquor.

Considering the fact that the accusation does not suggest the recovery from the conscious physical possession of the petitioner, coupled with statement made in paragraph no.3 of



the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, West Champaran at Bettiah in connection with Sathi P.S. Case No.138 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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