

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 28913 of 2019

Arising Out of PS. Case No.-31 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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Durga Mukhiya @ Dargi Mukhiya, aged about 40 years (M), Son of Late
Parichan Mukhiya, Resident of Village- Basantpur Bin Toli, P.S.- Mufassil,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 272, 273 of
the Indian Penal Code and Section 30 (a) of the Bihar
Prohibition and Excise Act.

Submission is that the informant, S.I. Manoj Kumar
recorded his self statement he got secret information that the
petitioner concealed illicit liquor in his “Bhusaul” and then the
informant alongwith police personnel reached there and then
after seeing police force one person succeeded in fleeing away
from motorcycle. On search total 34.56 liters of foreign liquor
was recovered from the “Bhusaul” of the petitioner and the



same were seized in accordance with law.

Learned counsel for the petitioner submits that there is no recovery from the conscious possession of the petitioner. The aforesaid liquor were seized from the side of “Bhusaul”. The petitioner has no criminal antecedent and no any previous excise case against the petitioner.

In the aforesaid facts and circumstance of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge cum Special Judge, Excise, Motihari East Champaran in connection with Mufassil P.S. Case No. 31 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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