

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25963 of 2019**

Arising Out of PS. Case No.-32 Year-2019 Thana- DARPA District- East Champaran

1. RAJU MUKHIYA, aged about 25 years, Male, S/o Late Suruj Mukhiya R/o village- Tinkoni, P.S.- Darpa, District- East Champaran
2. Nandu Mukhiya, aged about 27 years, Male, S/o Rupnarayan Mukhiya R/o village- Tinkoni, P.S.- Darpa, District- East Champaran
3. Kapil Mukhiya, aged about 25 years, Male, S/o Parsan Mukhiya R/o village- Tinkoni, P.S.- Darpa, District- East Champaran
4. Guli Mukhiya, aged about 40 years, Male, S/o Late Janak Mukhiya R/o village- Tinkoni, P.S.- Darpa, District- East Champaran
5. Bullet Mukhiya, aged about 20 years, Male, S/o Late Mishri Mukhiya R/o village- Tinkoni, P.S.- Darpa, District- East Champaran

... Petitioners

Versus

The State of Bihar

... Opposite Party

**Appearance :**

|                        |   |                                |
|------------------------|---|--------------------------------|
| For the Petitioner     | : | Mr. Umesh Chandra Verma, Adv.  |
| For the Opposite Party | : | Mr. Brajendra Nath Pandey, APP |

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      03-05-2019                      Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

The petitioners are languishing in judicial custody since 20.03.2019 in connection with Darpa P.S. Case No. 32 of 2019 for the offences alleged under Sections 272, 273 and 34 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that during night patrolling they received secret information that some persons have concealed illicit liquor, raid was conducted near the tea shop of one Jai Kishore Mukhiya and illicit liquor was found in the parti land, petitioners tried to flee away, but, were apprehended. Accordingly, a seizure list



was prepared for 216 liters of Nepali Saufi wine so recovered.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal antecedent, nothing has been recovered from their conscious possession and they are victim of high handedness of police. It is submitted that the petitioners undertake to cooperate in the investigation and not to tamper with the prosecution evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and that the petitioners do not bear any criminal antecedent, as stated in paragraph 3 of the present application, let the petitioners, above named, be released on bail, **on completion of investigation**, on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Darpa P.S. Case No. 32 of 2019 to the satisfaction of the learned Special Judge, Excise, East Champaran at Motihari, or the successor Court, subject to the condition that one of the bailors of each of the petitioner would be a close relative having sufficient immovable property, who will file an affidavit stating his/their relationship(s) with the petitioner(s).

**(Nilu Agrawal, J)**

Shamshad/-

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