

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34721 of 2019

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

1. UTTIM SAH Son of Late Kishori Sah Resident of Village- Basantpur, P.S.- Sathi, District- West Champaran.
2. Chunni Mukhiya Son of Bhagirathi Mukhiya Resident of Village- Basantpur, P.S.- Sathi, District- West Champaran.
3. Ganesh Mukhiya @ Ganesh Kumar Son of Chunni Mukhiya Resident of Village- Basantpur, P.S.- Sathi, District- West Champaran.
4. Sunil Mukhiya Son of Sitaram Mukhiya Resident of Village- Basantpur, P.S.- Sathi, District- West Champaran.
5. Brijesh Mukhiya @ Brijeshwar Mukhiya @ Brijesh Yadav Son of Kolai Yadav Resident of Village- Basantpur, P.S.- Sathi, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr.Umesh Chandra Verma, Advocate
Rashmi Jha, Advocate

For the Opposite Party : Mr.Ramchandra Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-05-2019 Heard learned counsel for the petitioners as well as
learned counsel for the State.

Petitioners apprehend arrest in a case registered for the offences punishable under Sections 468, 471/34 and other allied sections of the Indian Penal Code and section 30(a)(b) (c) of the Bihar Excise Act, 2016.

Prosecution case is that the police acting on a tip off, raided a place near bamboo clump behind Bind Toli and arrested



six persons, recovered 35 liters liquor, 19 liters spirit and 5000 liters raw materials used in manufacturing liquor. Petitioners have been named in this case on the basis of confessional statement of co-accused.

Learned counsel for the petitioners submits that the petitioners are not concerned with the seized materials used in preparing liquor. He submits that neither the petitioners have been arrested on the spot nor any incriminating material has been recovered from their conscious possession. Even the place in question does not belong to them. Several similarly situated co-accused have already been allowed anticipatory bail by different benches of this Court vide orders dated 13.2.2019, 11.2.2019 & 2.4.2019 passed in Cr.Mis.No. 7834/2019, 7834/2019 & 9024/2019 respectively.

Considering the facts of the case, let all the petitioners, above named, in the event of their arrest/surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge IX cum Special Judge, Excise, Bettiah, West Champaran in Sathi Police Station Case No. 138 of 2018,



subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully co-operate with the investigation and trial of the case, failing which the Court below shall be at liberty to cancel the bail bond of the petitioners.

(Prabhat Kumar Singh, J)

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