

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51123 of 2019

Arising Out of PS. Case No.-66 Year-2019 Thana- BIRPUR District- Supaul

CHANDESHWAR MUKHIYA @ SANJAY MUKHIYA, aged about 43 years, Male, Son of Late Sukan Mukhiya, Resident of Village-Kataiya, P.S.-Birpur (Bhimnagar O.P.), District-Supaul ... Petitioner

Versus

The State of Bihar ... Opposite Parties

Appearance :

For the Petitioner : Mr. Arun, Adv.

For the Opposite Parties : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 20-09-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with S.T. Excise No. 230 of 2019 arising out of Birpur (Bhimnagar O.P.) P.S. Case No. 66 of 2019 for the offences alleged under Sections 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016.

The accusation is that in course of patrolling duty four persons were seen moving in fast speed on two motorcycles, then, informant, along with other police personnel, gave signal to stop motorcycles, but, they tried to flee away. On chase, one person was apprehended, who disclosed his name as Jitendra Mukhiya and two motorcycles were also seized. On search, of motorcycle one sack, on each motorcycle, was recovered, from which 90 bottles, each containing 180 ml of Nepali Saufi liquor recovered. Jitendra Mukhiya also disclosed the name of the petitioner out of two, who succeeded to flee away.



The submission of the learned counsel for the petitioner is that it would appear from the first information report that the petitioner was not apprehended on spot nor he is the owner of two seized motorcycles. The name of the petitioner was disclosed by co-accused, Jitendra Mukhiya, who is said to be caught on spot. Petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with S.T. Excise No. 230 of 2019 arising out of Birpur (Bhimnagar O.P.) P.S. Case No. 66 of 2019 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional District & Sessions Judge II-cum-Special Judge, Excise, Supaul or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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