

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55609 of 2019

Arising Out of PS. Case No.-165 Year-2019 Thana- YOGAPATTI District- West Champaran

Ajay Mukhiya, Son of Sukdeo Mukhiya Resident of Village - Bakahi, P.S.-
Yogapatti, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-09-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Yogapatti P.S. Case No.165 of 2019 for the offence punishable
under Section 30(a) of Bihar Prohibition & Excise Act, 2016.

The allegation against the petitioner as per the First
Information Report is that the police party, received secret
information that two persons riding on bicycle were carrying
illicit liquor towards Bakahi from Srinagar, proceeded for
verification and when police party reached near Golaghat, they
saw two persons coming on bicycle and upon seeing the police
party, petitioner succeeded in fleeing away and one person was
apprehended by the police. It has further been alleged that
police recovered a total quantity of 9.500 litres of country made



liquor from bicycle of one Kanhaiya Mukhiya and from the bicycle of person who fled away a bag was hanging in which 500 ml. of country made liquor was also recovered.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case bicycle which was allegedly being driven by the petitioner, 500 ml country made illicit liquor was recovered does not belong to the petitioner and petitioner has unnecessarily been dragged in this case by the co-accused who was arrested along with bicycle with illicit liquor. Learned counsel further submits that petitioner has got no criminal antecedent.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that petitioner has got no criminal antecedent and in paragraph 11 of this bail petition, petitioner has stated that the bicycle does not belong to him, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned
Special Judge, Excise, Bettiah, West Champaran, subject to the
condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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