

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6709 of 2020

Arising Out of PS. Case No.-395 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

LALKA MUKHIYA @ RAJDEV MUKHIYA S/o Ram Babu Mukhiya @
Ram Babu Mukhia Resident of Village- Himmatpatti, Mundamala, P.S.-
Sahebganj, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Chandra

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 02-09-2020

Heard both sides.

The petitioner apprehends his arrest in Sahebganj P.S. case No. 395/2019 registered under Section 272, 273, 414 of the IPC and u/s 30(a) of the Bihar Prohibition & Excise Act.

The matter has been taken up through video conferencing.

The informant, a police officer, alleged that he got information that Lalka Mukhiya, the petitioner, was selling liquor. When the informant and other officials went there one person started fleeing away leaving the motor cycle on the spot. On search, 2.940 liters of Indian made foreign liquor was recovered from the dicky of the motor cycle. The people gathered at the place of occurrence disclosed that petitioner managed to flee away.

The learned counsel for the petitioner submits that during the course of investigation statement of the none of the witnesses or the villagers or the persons assembled there had



been taken and save and except the informant there is no person to disclose the name of the petitioner. From perusal of paragraph 49 of the case diary, it would appear that the vehicle stands in the name of Mundrika Kumari Bharti, daughter of Bhola Bhagat. The petitioner is not the owner of the vehicle.

Taking into consideration the facts that save and except the police officer no witness disclosed the name of the petitioner as the person who managed to flee away from the place of occurrence and the motor cycle from which 2.940 liters of illicit liquor was recovered stands in the name of another person, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Sahebganj P.S. case No.395/2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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