

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14088 of 2020

Arising Out of PS. Case No.-24 Year-2020 Thana- JAYNAGAR District- Madhubani

1. KUSH KUMAR PRUBEY S/o Ram Bahadur Purbey R/o village- Darbar, P.S.- Jainagar, District- Madhubani.
2. Mithilesh Kumar Mukhiya S/o Vishnu Mukhiya R/o village- Darbar, P.S.- Jainagar, District- Madhubani.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners : Mr. Ratanakar Jha, Advocate.

For the State : Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 29-06-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State through Video Conferencing.

The petitioners apprehend their arrest in connection with Jainagar P.S. Case No.24 of 2020/G.R. No.101 of 2020 registered under Sections 272, 273 and 414/34 of the Indian Penal Code besides Section 30(a) of the Bihar Prohibition and Excise Act.

The accusation is that in course of checking of the vehicles by the informant along with other police personnel, four persons boarding on two motorcycles were seen. While direction was given to them to stop the motorcycles but they started to flee away leaving the motorcycles. On chase, three



persons succeeded to flee away but one was apprehended, who disclosed his name as Raju Kumar Mukhiya. On search of T.V.S. Apachi Motorcycle having no registration number, two sacks, each containing 150 bottles of 300 ml. Nepali Liquor, were recovered. The caught hold person disclosed that the said motorcycle was being driven by Kush Kumar Prubey (petitioner no.1) on which Mukesh Kumar Mukhiya was sitting on the rear seat. On search of another T.V.S. Striker motorcycle having no registration number, one sack, containing 90 bottles of 300 ml. Nepali Liquor, was recovered. The caught hold person disclosed that the said motorcycle was being driven by Mithilesh Kumar Mukhiya (petitioner no.2).

Learned counsel for the petitioners submits that it would appear from the F.I.R. that the name of the petitioners has been disclosed by the caught hold person. In fact, the petitioners are not the owner of any of the seized motorcycles. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the



satisfaction of the Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Jainagar P.S. Case No.24 of 2020/G.R. No.101 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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