

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 22383 of 2020

Arising Out of P.S. Case No.-617 Year-2019 Thana-MUFFASIL District-East Champaran

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1. Khalifa Mukhiya, Son of Jai Ram Mukhiya
2. Abhinandan Mukhiya, Son of Nethi Mukhiya @ Netilal Mukhiya, both are resident of Village – Hasuaha, P.S. – Muffasil, District – East Champaran. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Srivastava, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

02 25-08-2020

Heard Mr. Vijay Shankar Srivastava, learned Advocate for the petitioners and Mr. Khurshid Anwar, learned APP for the State.

After some arguments, learned counsel for the petitioners seeks permission to withdraw the application with respect to petitioner no. 1.

The application of petitioner no. 1 is dismissed as withdrawn with the liberty to him to approach the court below for grant of bail. In case such a petition is filed, the court below shall take into account all necessary facts and shall pass orders in accordance with law without being prejudiced by the fact that the present petition on his behalf has not been entertained.



So far as the petitioner no. 2 is concerned, he seeks bail in anticipation of his arrest in connection with Muffasil P.S. Case No. 617 of 2019 dated 31.12.2019 instituted for the offence under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Excise Prohibition Act, 2016.

The petitioner no. 2 is stated to be a person of clean antecedent.

His implication in this case is only on the basis of the statement made by the local Chowkidar to the police that he was seen running away from the place where raid was conducted and recovery of liquor was made.

Regard being had to the nature of accusation against the petitioner no. 2, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of this order on his furnishing bail bonds of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned 9th Additional Sessions Judge-cum-Special Judge, Excise East Champaran, Motihari in connection with Muffasil P.S. Case No. 617 of 2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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