

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85649 of 2019

Arising Out of PS. Case No.-678 Year-2019 Thana- TURKAULIYA District- East
Champaran

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Laxman Mukhiya, Age about 45 M, S/o Dasarath Mukhiya, Resident of
Village Chelahan bin toli, P.S. Banjaria, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Mr. Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-02-2020 Heard Mr. Alok Kumar Alok, learned counsel for the

petitioner and learned Additional Public Prosecutor for the

State.

The petitioner apprehends his arrest in connection
with Trukolia (Banjaria) P.S. Case No. 678 of 2019, registered
for the offences punishable under Sections 272, 273/34 of the
Indian Penal Code, 1860 and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The allegation against the petitioner as per the First
Information Report is that the Police party while on patrolling
saw that two persons were coming riding on a motorcycle and
when Police tried to stop the motorcycle, the person driving the
motorcycle tried to flee away. However, Police personnel



arrested one person, who disclosed his name as Dinesh Mukhiya and one person succeeded in fleeing away, whose name has been disclosed by the arrested accused person as Laxman Mukhiya i.e. the petitioner. Upon search, Police recovered a total quantity of 45 liters of illicit country made liquor from the said motorcycle.

Mr. Alok Kumar Alok, learned counsel appearing for the petitioner submits that petitioner has falsely been implicated in this case on the basis of disclosure made by the arrested accused person. Learned counsel further submits that the motorcycle from which the illicit liquor has been recovered does not belong to the petitioner. Learned counsel further submits that petitioner has got no criminal antecedent and no illicit liquor has been recovered from his conscious possession or the vehicle belonging to the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession or the vehicle belonging to the petitioner, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the Court below within



four weeks from the date of receipt of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Motihari, East Champaran in connection with Trukolia (Banjaria) P.S. Case No. 678 of 2019, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Anil Kumar Sinha, J)

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