

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34834 of 2021

Arising Out of PS. Case No.-475 Year-2020 Thana- GOVINDGANJ District- East
Champaran

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1. VIDESHI MUKHIYA S/O LATE SARYUG MUKHIYA R/o village-
Baraipatti Tola, P.S.- Harsidhi, District- East Champaran
 2. Pardeshi Mukhiya S/o Late Saryug Mukhiya R/o village- Baraipatti Tola,
P.S.- Harsidhi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 30-07-2021 Heard learned counsel for the petitioners and the

State through virtual mode.

Learned counsel for the petitioners is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

At the outset, learned counsel for the petitioners seeks
permission to withdraw this application with regard to petitioner
No. 2 as during pendency of this application, he has been taken
into judicial custody.

Permission is granted.

Accordingly, this application filed with regard to
petitioner No. 2 is dismissed as withdrawn.



The petitioner No. 1 is apprehending his arrest in a case registered under Section-30(a) of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 150 liters wine is recovered.

It has been submitted on behalf of the petitioner No. 1 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against him. He has been falsely implicated in the present case. The name of the petitioner No. 1 has transpired in this case on the basis of disclosure made by local chowkidar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No. 1 in the present case. It is alleged that 150 liters wine is recovered by side of the road. Nothing incriminating has been recovered from the conscious possession of the petitioner No. 1. The petitioner No. 1 had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner No. 1 is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioner No. 1, above named, in the event of arrest/surrender before the learned



court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Special Judge, Excise Act, Motihari, East Champaran in connection with Govindganj P.S. Case No. 475 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner No. 1 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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