

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32148 of 2020

Arising Out of PS. Case No.-51 Year-2020 Thana- NAUTAN District- West Champaran

1. Binod Mukhiya Son of Late Gumani Mukhiya Resident of Village - Laxhmipur, P.S.- Nautan, District - West Champaran
2. Shivnath Mukhiya Son of Late Gumani Mukhiya Resident of Village - Laxhmipur, P.S.- Nautan, District - West Champaran
3. Dinesh Mukhiya Son of Lalji Mukhiya Resident of Village - Laxhmipur, P.S.- Nautan, District - West Champaran
4. Lalji Mukhiya Son of Late Gumani Mukhiya Resident of Village - Laxhmipur, P.S.- Nautan, District - West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No 7, Advocate
For the Opposite Party/s : Smt. Asha Kumar, A.P.P

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 04-03-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 27.11.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

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 Nautan P.S. Case no. 51 of 2020, registered under Section 30/30(a) of the Bihar Prohibition and Excise Act.

The accusation is that on receiving secret



information about selling of illicit liquor by Shivnath Mukhiya (Petitioner No.2) and others in village-Laxmipur, the informant and other Police personnel reached there, in the late evening. On seeing the Police party, some persons started fleeing, while they were chased but they managed to escape from there. In course of fleeing, Shivnath Mukhiya (Petitioner No.2) threw liquor kept in bucket and fled away. At that time, Binod Mukhiya (Petitioner No.1), Lalji Mukhiya (Petitioner No.4) and Dinesh Mukhiya (Petitioner No.3) were also identified. On search of hut, 13 pouches, each containing 200 ML country made liquor recovered.

Learned counsel for the petitioners submits that, in fact, petitioners have falsely been implicated in this case due to dirty village politics by the local Chowkidar. Further submission is that while it is alleged in the F.I.R. that the petitioners were identified, but it is not disclosed that who identified the petitioners. The petitioners have no criminal antecedents.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, 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, Bettiah, West Champaran in connection with Nautan P.S. Case No. 51 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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