

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6601 of 2021**

Arising Out of PS. Case No.-29 Year-2020 Thana- SANGRAMPUR District- East  
Champaran

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1. Pradip Mukhiya Son of Shri Mukhiya R/O Village - Sangrampur Bin Toli,  
P.S. - Sangrampur, District - East Champaran.
  2. Gaya Mukhiya Son of Late Yado Mukhiya R/O Village - Sangrampur Bin  
Toli, P.S. - Sangrampur, District - East Champaran.
  3. Shobhan Mukhiya Son of Late Jogi Mukhiya R/O Village - Sangrampur Bin  
Toli, P.S. - Sangrampur, District - East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Dhurendra Kumar  
For the Opposite Party/s : Mr.A.G.

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      02-12-2021                      Heard learned counsel for the petitioners and  
  
learned APP for the State.

Learned counsel for the petitioners is expected  
  
to honour his undertaking given in the instant case for  
  
depositing the requisite court fee and to remove the  
  
defects as pointed out by the office when called upon to  
  
do so by the office.

The petitioners are apprehending their arrest in  
  
a case registered for the offences punishable under



Sections 272, 273 of the Indian Penal Code and Section 30(a), 35, 38 of the Bihar Prohibition & Excise Act.

Learned counsel for the petitioners seeks permission to withdraw the application with regard to petitioner No. 1 since he has been arrested.

Permission is accorded.

Accordingly, the petition with regard to petitioner No. 1 is permitted to be withdrawn.

The prosecution case as per F.I.R is that the informant, on receiving secret information raided in the area of *Gandak Diyara* and seized 45 litres of country made liquor and other solutions for making illicit liquor from different *bhatti* of different persons.

It is submitted by learned counsel for the petitioners that petitioners were not arrested from the spot and nothing incriminating materials have been recovered from the conscious possession of the petitioners. The recovery has been made from *Diyara*. A statement has been made in para 3 of the petition that



petitioners have no criminal antecedents.

In the facts and circumstance of the case, let the petitioners, above named, except petitioner No. 1, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned 7<sup>th</sup> Additional Sessions Judge-cum-Special Judge, Excise, East Champaran, Motihari in connection with Sangrampur P.S. Case No. 29 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Sunil Kumar Panwar, J)**

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