

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8577 of 2022

Arising Out of PS. Case No.-602 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Raju Mukhiya Son Of Mainegar Mukhiya R/O Of Village- Basatpur, P.S.-
Muffasil, District- East Champaran
 2. Ramu Mukhiya Son Of Mainegar Mukhiya R/O Of Village- Basatpur, P.S.-
Muffasil, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mrs.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 04-03-2022 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

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

The petitioners are apprehending their arrest in
connection with Muffasil P.S. case No.602 of 2021 registered
under Sections 30(a), 32, 41(i), 37B of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 20 liters wine is
recovered.

It has been submitted on behalf of the petitioners that



the petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in this case. The names of the petitioners have transpired in this case on disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 20 liters wine is recovered from the bamboo orchard. The bamboo orchard in question does not belong to the petitioners. The petitioners had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioners. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, East Champaran, Motihari in connection with Muffasil P.S. case No.602 of 2021, subject to



the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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