

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27357 of 2021

Arising Out of PS. Case No.-27 Year-2021 Thana- BISFI District- Madhubani

1. Vijay Mukhiya Son of Ram Lochan Mukhiya Resident of Village- Kerward Lawa Tol, P.S.- Bisfi (Patauna O.P.), District- Madhubani.
2. Dayanand Mukhiya @ Sadanand Mukhiya Son of Late Malhu Mukhiya Resident of Village- Kerward Lawa Tol, P.S.- Bisfi (Patauna O.P.), District- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh
For the Opposite Party/s : Mr. Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-02-2022 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, 34 of the Indian Penal Code and



Section 30(a) of the Bihar Prohibition & Excise Act.

Learned counsel for the petitioners seeks permission to withdraw the petition with regard to petitioner No. 2 since he has been arrested.

Permission is accorded.

Accordingly, the petition with regard to petitioner No. 2 namely Dayanand Mukhiya @ Sadanand Mukhiya is permitted to be withdrawn.

There is recovery of 90 litres of Indian made foreign liquor from the house of petitioner No. 2.

It is submitted by learned counsel for the petitioner No. 1 that nothing has been recovered from the possession of the petitioner. He was not apprehended from the spot. The petitioner No. 1 has no concern with the seized contraband. A statement has been made in para 3 of the petition that petitioner No. 1 has no criminal antecedent.

In the facts and circumstance of the case, let the petitioner No. 1, above named, in the event of his



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) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Bisfi(Patauna O.P) P.S. Case No. 27 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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