

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23020 of 2022

Arising Out of PS. Case No.-126 Year-2021 Thana- CHORAUT District- Sitamarhi

1. GAGANDEO MUKHIYA S/O RAM MANOHAR MUKHIYA R/o Village- Balsa, P.S.- Choraut, District- Sitamarhi
2. Ram Manohar Mukhiya S/o Jamun Mukhiya R/o Village- Balsa, P.S.- Choraut, District- Sitamarhi
3. Sahdeo Mukhiya S/o Ram Swarup Mukhiya R/o Village- Balsa, P.S.- Choraut, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-05-2022 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 a case registered under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 600 ml 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 600 ml wine is recovered from the co-accused. 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. Learned counsel for the petitioner has placed reliance upon the order dated 13-04-2022 passed by the Hon'ble Supreme Court in Cr. Appeal No. 626 of 2022 (Sweta Kumari versus State of Bihar).

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 II, Sitamarhi in connection with Choraut P.S. case No.126/21, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

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(Sudhir Singh, J)

