

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23623 of 2022

Arising Out of PS. Case No.-244 Year-2021 Thana- HASANPUR District- Samastipur

1. MUKESH MUKHIYA KLLAR MUKHIYA R/O VILLAGE- BIRPUR, P.S.- HASANPUR, DISTRICT- SAMASTIPUR
2. SANTOSH MUKHIYA SON OF RAMDEV MUKHIYA R/O VILLAGE- BIRPUR, P.S.- HASANPUR, DISTRICT- SAMASTIPUR
3. UMA MUKHIYA SON OF HARI MUKHIYA R/O VILLAGE- BIRPUR, P.S.- HASANPUR, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-08-2022 Heard learned counsel for the petitioners and learned APP
for the State through virtual Court proceedings.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within undertaken period, office will place the matter before the Bench.

Learned counsel for the petitioners seeks permission to withdraw this application as against petitioner no.2, as he has been apprehended by the police during pendency of this application.

Permission is granted.



Accordingly, the instant application for petitioner no.2 is dismissed as withdrawn.

Now this application is being heard with regard to petitioner nos. 1 and 3 only.

Petitioners apprehend their arrest in connection with a case registered for the offence punishable u/s 30(A) of the Bihar Prohibition and Excise Amendment Act, 2018.

Altogether 20 liters of country made liquor is said to have been recovered from the place of occurrence. The allegation against the petitioners is that they alongwith other co-accused after seeing the police fled away from the place of occurrence. It is further alleged that the petitioners are involved in the manufacturing of illicit liquor.

Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. They have been falsely implicated in this case due to ulterior motive. Their name transpired in the case on the basis of statement of local people. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. Petitioners have no concern either with the seized liquor or any trade of liquor. Petitioners have no criminal



antecedent, as also mentioned in para-3 of this application.

Petitioners are agreed to deposit a sum of Rs.10,000.00/- (Rupees Ten Thousand) each in the Juvenile Justice Fund, Bihar bearing Account No.35094613009, IFSC SBIN0000153, State Bank of India, Patna Secretariat Sinchai Bhawan Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner nos.1 and 3 named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Hasanpur P.S. Case No.244 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions:

(1) One of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with petitioner. He will also undertake to inform the Court if there is any change in the address of petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will



be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner nos.1 and 3 shall be accepted by the learned Court below on showing receipt of deposit of Rs.10,000/- (Rupees Ten Thousand) each in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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