

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51581 of 2021

Arising Out of PS. Case No.-95 Year-2020 Thana- PIPRA District- East Champaran

1. DUKHAN MUKHIYA Son of Shiv Mukhiya Resident of Village - Kunwarpur, P.s.- Pipra, Distt.- East Champaran.
2. Kishundeo Mukhiya Son of Sukdeo Mukhiya Resident of Village - Kunwarpur, P.s.- Pipra, Distt.- East Champaran.
3. Jai Bahadur Mukhiya Son of Feku Mukhiya Resident of Village - Kunwarpur, P.s.- Pipra, Distt.- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar
For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 16-02-2022 Heard both the parties through video conferencing.

The petitioners seek bail in anticipation of their arrest in connection with Phenhara P.S. Case No.95 of 2020 instituted for the offences under Sections 272, 273, 34 of the Indian Penal Code & 30(A) & 38(i) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that the neither the petitioners were present at the place of incident nor any liquor was recovered from the possession of from his residence. The name of the petitioners has been falsely impleaded in the F.I.R. and no case is said to be made against the petitioners under section 30(A) of the Excise Act.



I have considered the submission. I

Taking into consideration that the illicit liquor was being prepared which has been seized at the time of seizure, five persons ran away from the place. The petitioners have been named in the F.I.R. but there is no person, who has identified the petitioners in connection with the liquor.

In view thereof, I am inclined to grant benefit of anticipatory bail to the petitioners and in the event of arrest, they shall be released on bail subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sanjeev Prakash Sharma, J)

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