

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60939 of 2021

Arising Out of PS. Case No.-53 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

DEONATH MUKHIYA S/o Achhelal Mukhiya R/o village- Peyarepur, P.S.-
Baikunthpur, District- Gopalganj Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni

For the Opposite Party/s : Mr. Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Baikunthpur P.S. Case no. 53 of 2021 instituted for the offence under Section 414 of the Indian Penal Code and Sections 30(a) and 41 of the Bihar Prohibition & Excise Act.

As per allegation in the FIR, on getting secret information about presence of local criminal Sitaram Bind with his partner, police started checking the vehicles, two persons were coming on Apache motorcycle from Kesharia who tried to flee away after seeing the police party. Out of them, one co-accused, namely, Sitaram Bind was apprehended and he disclosed the name of the petitioner, who succeeded to flee away. On search, 1.8 litres of IMFL was recovered from his bag.

Learned counsel appearing on behalf of the petitioner



has submitted that petitioner is innocent and has committed no offence. Petitioner is candidate of Panchayat election of his Panchayat and due to dirty village politics,he has been falsely implicated in this case. The name of the petitioner has been disclosed in this case by apprehended co-accused, namely, Sitaram Bind, which has no evidentiary value in the eye of law.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Baikunthpur P.S. Case no. 53 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-IInd-cum-Special Judge, Excise, Gopalganj subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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