

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67861 of 2022

Arising Out of PS. Case No.-536 Year-2022 Thana- TURKAULIYA District- East
Champaran

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UMESH MUKHIYA Son of Ramchandra Mukhiya R/v- Chailaha Bin Toli,
P.S.- Banjariya, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava
For the Opposite Party/s : Mr.Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code as well as Sections 30(a)/30(c)/32/34/36/41(1) of the Bihar Prohibition and Excise Act.

40 litres of country made liquor has been recovered from the *verandah* of the house of the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has got one criminal antecedent of similar nature as stated in paragraph-3 of



the bail application. It is further submitted that there is no recovery from the conscious possession of the petitioner.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner by submitting that illicit country made liquor has been recovered from the *verandah* of the house of the petitioner.

Considering the fact that illicit country made liquor has been recovered from the *verandah* of the house of the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected in connection with Turkauliya (Banjariya) P.S. Case No.536 of 2022, pending in the court of learned Exclusive Special Excise Court No.1, East Champaran, Motihari.

(Anjani Kumar Sharan, J)

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