

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2776 of 2023

Arising Out of PS. Case No.-169 Year-2022 Thana- SINGHIYA District- Samastipur

1. KAMAL MUKHIYA S/o Bechu Mukhiya @ Bechan Mukhiya R/o Village- Dhoraha, P.S.- Singhia, Distt- Samastipur.
2. Ram Jatan Mukhiya S/o Bhola Mukhiya R/o Village- Dhoraha, P.S.- Singhia, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Kanhaiya Kishore, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-03-2023 Heard the parties.

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, 2022.

Altogether 10 litres of country made liquor is said to have been recovered from the spot. It is alleged that petitioners fled from the spot on seeing the police.

Learned counsel for the petitioner submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. Petitioners have been falsely implicated in this case at the instance of their enemies. Their name transpired in this case only on suspicion. Petitioners have neither been



apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. They have no concern either with the seized liquor or any trade of liquor. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioners are agreed to deposit a sum of Rs. 10,000.00/- (Rupees Ten Thousand) each in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioners, 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 Singhiya P.S. Case No.169 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) That 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 the petitioner. He will also undertake to inform the Court if there is any change in the address of the 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 petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs.10,000.00/- (Rupees Ten Thousand) each in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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