

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7917 of 2023

Arising Out of PS. Case No.-374 Year-2022 Thana- DHAKA District- East Champaran

1. Kamal Mukhiya S/o Yadu Mukhiya R/o village- Jhauwa Ram, P.S.- Dhaka, Distt- East Champaran.
2. Premshila Devi W/o Kamal Mukhiya R/o village- Jhauwa Ram, P.S.- Dhaka, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murari Sharan Tiwari, Advocate
For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 30(a), 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 54 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in this case. The names of the petitioners have transpired in this case as



the alleged recovery is made from the joint house of the petitioners where the other family members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 54 liters wine is recovered from the joint house of the petitioners. The petitioners had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioners. There is no compliance of Section 100 Cr.P.C. Learned counsel for the petitioners has placed reliance upon the order dated 13-04-2022 passed by the Hon'ble Supreme Court in Cr. Appeal No. 626 of 2022 (Sweta Kumari versus State of Bihar).

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, East Champaran at Motihari in connection with Dhaka P.S. case No.374 of 2022, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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