

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10785 of 2023

Arising Out of PS. Case No.-138 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Netilal Mukhiya @ Nitilal Mukhiya S/O Shivbalak Mukhiya R/O Village-Hasuaha, P.S.- Muffasil, Distt- East Champaran.
 2. Lalpari Devi W/O Netilal Mukhiya @ Nitilal Mukhiya R/O Village-Hasuaha, P.S.- Muffasil, Distt- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, 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(b), 32 and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1000 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. It is alleged that 1000 liters wine is recovered by the bank of river. The names of the petitioners have transpired on the basis of disclosure made by local Chowkidar. Except for this, there is no other substantive



evidence to suggest the implication of the petitioners in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners had no knowledge regarding the alleged incident. 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 Criminal 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 F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/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/- (Ten thousand) each 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 Muffasil P.S. case No. 138/2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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