

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24123 of 2023

Arising Out of PS. Case No.-41 Year-2023 Thana- SATHI District- West Champaran

1. DEEPAK MUKHIYA son of Bishwanath Mukhiya Village- Belwa Tola Ps- Sathi Dist- West Champaran
2. Ashok Mukhiya son of Bishwanath Mukhiya Village- Belwa Tola Ps- Sathi Dist- West Champaran
3. Garib Mukhiya son of Late Dasai Mukhiya Village- Belwa Tola Ps- Sathi Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 5 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioner Nos. 2 and 3 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. It is alleged that 5 liters wine is recovered by the side 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 the Court below/concerned Court in connection with Sathi P.S. case No. 41/2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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