

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26626 of 2023

Arising Out of PS. Case No.-251 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champaran

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VIJAY KUMAR Son of Dashrath Mukhiya @ Ramdarash Mukhiya Resident
of village - Harkaina, P.S. - Motihari Muffasil, Distt. - East Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Sections 30(a) and 30(c) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.

Allegation is of recovery of 3 litres of liquor from an Apache motorcycle, 5 litres of liquor along with 150 litres of ras pass was recovered from a hut, 15 litres of liquor along with 150 litres of raw wine was recovered from the house of Suresh Mukhiya and 10 litres of liquor along with 400 litres of raw wine was recovered from the house of Kundan Kumar.



Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is further submitted that even the alleged recovery is from a place which does not belong to the petitioner. It is next submitted that petitioner is not the owner of the motorcycle and he came to be implicated at the instance of the Chawkidar with whom he is on an inimical term.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or 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.1,000/- (Rupees One Thousand) 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 Motihari Mufassil P.S. Case No. 251 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

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