

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30790 of 2023

Arising Out of PS. Case No.-357 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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1. Shambhu Mukhiya, Son Of Kailash Mukhiya Resident Of Village - Madhubani Ghat, P.S. - Muffasil Motihari, Distt. - East Champaran
 2. Nandu Mukhiya, Son Of Langatu Mukhiya Resident Of Village - Madhubani Ghat, P.S. - Muffasil Motihari, Distt. - East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

The petitioners seek bail in anticipation of their arrest in
a case registered for the offences punishable under Section 30(a)
of the Excise Act.

The learned counsel for the petitioners submits that the
petitioner no.1 has antecedent of one case and petitioner no.2 is
person with clean antecedent and the allegation is of recovery of
25 litre of liquor along with 4000 litre of raw material from a place
near a river.

The learned counsel for the petitioners submits that
petitioners were not arrested from the spot, as such, nothing was
recovered from their conscious possession and even alleged
recovery is from a place, which is accessible to public at large and
do not belong to the petitioners. It is next submitted that



petitioners came to be implicated based on secret information, which is the easiest way to implicate someone. It is next submitted that it appears that the police in order to save the real culprit falsely implicated the petitioners based on secret information.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Court No.2, Motihari, East Champaran in connection with Excise P. S. Case No.357 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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