

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42228 of 2023

Arising Out of PS. Case No.-976 Year-2021 Thana- TURKAULIYA District- East
Champaran

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Harihar Mukhiya Son Of Bhagwan Mukhiya Chailaha, Bin Toli, PS- Banjaria
(Turkiauliya O.P.), District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lal Babu Singh, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 02-08-2023 Heard Mr. Lal Babu Singh, learned counsel appearing
on behalf of the petitioner and learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Banjaria (Turkiauliya O.P.) P.S. Case No. 976 of 2021,
registered for the offences punishable under Sections 272,
273/34 of the Indian Penal Code and Section 30(a)(b)(c) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Allegedly the police, on a secret information that
some persons are indulged in manufacturing illegal wine near
the bank of Dhanawati river, raided the place of occurrence,
however, noticing the police personnels, persons present there
succeeded in fleeing away. On search, 40 litres counter-made



wine and other utensils and gas cylinder were recovered. The local Chowkidar and villagers disclosed the name of the petitioner.

4. Submission has been made that admittedly the alleged recovery has been made from the bank of the river and the petitioner has neither any concern with the place of recovery nor with the illicit liquor. He next submits that only because of one antecedent of the petitioner his name has been falsely implicated in this case at the hands of the village Chowkidar and save and except the disclosure made by the village Chowkidar and some villagers, the name of which has not even been disclosed, there is no iota of evident suggesting his complicity. That apart, one of the co-accused Jagu Mukhiya, whose name was also disclosed by the village Chowkidar, has been allowed the privilege of anticipatory bail by the learned coordinate Bench of this Court in Cr. Misc. No. 42190 of 2022 *vide* order dated 13.10.2022.

5. On the other hand, learned counsel for the State opposes the bail application and draws the attention of this Court towards the criminal antecedent of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged



recovery has been made from a public place and save and except the disclosure, there is no material suggesting his complicity, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No. 1, East Champaran at Motihari in connection with Banjaria (Turkiauliya O.P.) P.S. Case No. 976 of 2021, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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