

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38205 of 2023

Arising Out of PS. Case No.-238 Year-2021 Thana- SANGRAMPUR District- East
Champaran

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MUNSHI MUKHIYA S/O BACHCHALAL MUKHIYA R/O Village-
Koorgawa Bin Toli, PS. Sangrampur, Dist. 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 : Mrs. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 28-07-2023 1. Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.
2. The petitioner apprehends his arrest in
connection with Sangrampur P.S. Case No. 238 of
2021, registered for the offences punishable under
Sections 30(a), 30(c), 32, 41(i) of the Bihar
Prohibition and Excise Act, 2016.
3. The allegation is regarding recovery of
three litres of country made liquor from the Bhatti
alleged to be that of the petitioner.
4. The learned counsel for the petitioner
has submitted that the petitioner is innocent, he
has been falsely implicated in the present case and



he is having a clean antecedent. The learned counsel for the petitioner has further submitted, by referring to paragraph no. 9 of the present petition, that the Bhatthi in question does not belong to the petitioner herein.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that it is the categorical averment of the petitioner that the Bhatti in question does not belong to the petitioner, *prima facie* this Court finds that no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, hence the bar under Section 76(2) of the Act, 2016, shall not be an impediment in grant of anticipatory bail to the petitioner, thus I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory



bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Motihari, East Champaran in connection with Sangrampur P.S. Case No. 238 of 2022, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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