

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41732 of 2023**

Arising Out of PS. Case No.-283 Year-2021 Thana- SANGRAPUR District- East
Champaran

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1. RAMCHANDRA MUKHIYA Son of Lal Bahadur Mukhiya Resident of Village - Koirgawa Bin Toli, P.S.- Sangrampur, District - East Champaran
 2. Ashok Mukhiya Son of Dewan Mukhiya Resident of Village - Koirgawa Bin Toli, P.S.- Sangrampur, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a), 30(c), 32 and 41(i) of the Bihar Excise Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and allegation is of recovery of 120 liters of liquor from the house of 11 named accused persons as detailed in the F.I.R. out of which 10-10 liters of liquor were recovered from the houses of the petitioners.

Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession, it is next submitted that even the alleged recovery is from a house which is a joint



family property, as such, it cannot be alleged with certainty that it were the petitioners who had kept the liquor in the house or the liquor kept in the house was within their knowledge, when admittedly petitioners are persons with clean antecedent. It is further submitted that they came to be implicated at the instance of *Chowkidar* with whom they are on an inimical term.

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

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of thier arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sangrampur P.S. Case No. 283 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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