

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43516 of 2023

Arising Out of PS. Case No.-287 Year-2022 Thana- DHAKA District- East Champaran

1. Chandeshwar Mukhiya Son Of Late Raghunath Mukhiya Resident Of Village - Bakhari Khajuri (Yadipur Bakhri), P.S. - Dhaka, Distt. - East Champaran (Motihari)
2. Dilip Sah @ Dilip Kumar Son Of Ramadhar Sah Resident Of Village - Bakhari Khajuri (Yadipur Bakhri), P.S. - Dhaka, Distt. - East Champaran (Motihari)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Chandna, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-08-2023 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Section 30(a) and 41 (i) of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioners rather 162 liters of nepali liquor is said to have recovered near a canal. He submits that apprehended person disclosed the name of the petitioners. He submits that there is no recovery made from the conscious



possession of the petitioners. He further submits that petitioner no.1 has got three criminal antecedent in similar nature and petitioner no.2 has got no criminal antecedent as stated in para-3 of the bail application.

4. Petitioner no.1 is agreed to deposit a sum of Rs. 40,000.00 (Rupees Forty Thousand) and petitioner no.2 is agreed to deposit a sum of Rs. 10,000/- (Rupees Ten Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

5. Considering the facts and circumstance of the case, let the above named petitioners, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each 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 Dhaka P.S. Case No. 287 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

(i) One of the bailors will be his own blood relative,



preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioners will not indulge himself in any similar offence till conclusion of the trial.

6. The bail bonds of the petitioners shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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