

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51896 of 2023

Arising Out of PS. Case No.-131 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Kamlesh Mukhiya @ Naresh Mukhiya @ Naresh Kumar, Son Of Yadolal
Mukhiya Resident Of Village - Chailaha Bin Toli, P.S. - Banjariya, Distt. -
East Champaran, Motihari

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Abhay Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 16-08-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 272, 273 of the I.P.C. and Sections 30(a), 32, 41(1) of
the Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent of two cases and the allegation is
of recovery of 40 litres of liquor from a sack found at Chailaha
Bin.
4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and he came to be



implicated at the instance of Chaukidar with whom he is on an inimical term. It is next submitted that even the alleged recovery is from a place, which is accessible to public at large.

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

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1, Civil Court, East Champaran at Motihari in connection with Turkauliya (Banjariya) P. S. Case No.131 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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