

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54826 of 2023

Arising Out of PS. Case No.-239 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Kusheshwar Mukhiya S/O Palat Mukhiya, R/O Village- Mohim Bujurg, Ps.-
Kusheshwar Asthan, Dist. Darbhanga
 2. Lallu Pandit @ Lalit Pandit S/O Late Siwan Pandit, R/O Village- Mohim
Bujurg, Ps.- Kusheshwar Asthan, Dist. Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishor Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 23-08-2023 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in connection with Kusheshwar Asthan P. S. Case No. 239 of 2023 registered on 12.07.2023 for the offences punishable under Sections 30(a) and 30(c) of the Bihar Prohibition and Excise Act, 2022.

3. According to the prosecution, F.I.R. has been lodged against four named accused persons including the present petitioners. Total recovery of 50 litre desi wine has been made which is the subject matter of this case. The name of the petitioners have figured, as per F.I.R., on the basis of disclosure

made by villagers.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. Neither the petitioners are apprehended from the place of occurrence nor any recovery has been made from their possession. Counsel further submits that the said recovery has been made from the barren land of one Mohan Paswan and the antecedent of the petitioners are clean.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the aforesaid facts and circumstances of this case, let the above-named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within 6 weeks from today, on furnishing bail bond of Rs. 30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-II, Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 239 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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