

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58358 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- BHAIKAVSHTHAN District- Madhubani

Ganesh Mukhiya @ Gangesh Mukhiya S/O Ram Pratap Mukhiya R/O
Village- Chakdah, Ps. Rajnagar, Dist. Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Bhairavshthan P.S. Case No. 05 of 2023 instituted under Sections 272, 273, 420, ,120B, of the Indian Penal Code and 30 (a), 32 (i), (ii), 36 and 41 (i) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 427.30 litres of illicit foreign liquor was recovered from a truck and the apprehended persons have disclosed the name of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is no recovery from the conscious possession of the petitioner. He is neither the owner of the seized vehicle nor he



has any concern to the recovered liquor. He further submits that except the confessional statement of co-accused there is no material against the petitioner. He also submits that similarly situated co-accused Hira Lal @ Hira Lal Roy @ Hira Lal Ray has been granted anticipatory bail by Coordinate Bench of this Court vide order dated 22.05.2023 in Criminal Misc. No. 25398 of 2023. Petitioner has one criminal antecedent in which he is on bail.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount to each to the satisfaction of the learned Special Judge Excise Act, Jhanjharpur, District- Madhubani in connection with Bhairavshthan P.S. Case No. 05 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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