

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59064 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

Surendra Mukhiya Sonof Chharpan Mukhiya Resident Of Village - Aurahi,
Police Station - Kusheshwar Asthan, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Kusheshwar Asthan P.S. Case No. 79 of 2023 instituted
under Section 30 (a) of Bihar Prohibition and Excise Act, 2022.

3. As per the prosecution case, total 5 litres of country
made liquor was recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner resides separately and there is no recovery from his
house. He has falsely been implicated in this case due to one
criminal antecedents against him. He was not present at the
place of occurrence. He has no concern with the said recovered
liquor and the petitioner has been made accused in the present



case only on the basis of confessional statement of arrested co-accused.

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 Court of learned Special Judge Excise-II, Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 79 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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