

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76322 of 2023

Arising Out of PS. Case No.-296 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Munni Mukhiya, Son of Chirkut Mukhiya, Resident of Village- Hasuahan,
P.S.- Muffasil, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manjeet Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2023 Heard Mr. Manjeet Kumar Mishra, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner is apprehending his arrest in
connection with Motihari Muffasil P.S. Case No. 296 of 2023
registered for the offences under Sections 30(a), 32, 41(i) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

3. In course of patrolling, the police found that some
persons are indulged in selling the illicit liquor. However, on
noticing the police party, all of them succeeded in fleeing away.
On search, total 1000 litres of *Pass* have been recovered from
five drums. The local Chaukidar and villagers disclosed the
name of the petitioner and others.



4. It is submitted on behalf of the petitioner that allegedly the recovery has been made from the bank of river, which is an open place, easily accessible to all and the petitioner has no concern with the place or the *Pass*. He further submits that the manner in which the identification of the petitioner has been made also appears to be doubtful. Moreover, the witnesses to the seizure are non-else, but the police personnel. He lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation and in the proceeding of the Court.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the manner in which the petitioner has been identified, coupled with the fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.I, East Champaran at Motihari in connection with Motihari



Muffasil P.S. Case No. 296 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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