

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74803 of 2022

Arising Out of PS. Case No.-171 Year-2022 Thana- CHORAUT District- Sitamarhi

1. Dinesh Mukhiya, Gender-Male, aged about 22 years, Son Of Balbodh Mukhiya, R/O Village- Choraut Uttari Ward No.4, P.S.- Choraut, District- Sitamarhi.
2. Mahesh Mukhiya, Gender-Male, aged about 22 years, Son Of Balbodh Mukhiya, R/O Village- Choraut Uttari Ward No.4, P.S.- Choraut, District- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mrs. Smiti Bharti, Advocate
For the Opposite Party : Mr. Mritunjay Kumar Nirala, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Choraut P.S. Case No. 171 of 2022 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 21 liters wine is said to have been recovered from the Motorcycle in question.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal



antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. It is alleged that 21 liters wine is recovered from the Motorcycle in question. The Motorcycle in question does not belong to the petitioners. The petitioners are named in the F.I.R. The names of the petitioners have transpired in the present case on the basis of confessional statement of the co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C. Learned counsel for the petitioners has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in *Criminal Appeal No. 626 of 2022, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of Bihar)*.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R/ Complaint Case.



Considering the aforesaid facts and circumstances, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-II, Sitamarhi, in connection with Choraut P.S. Case No. 171 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

