

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22300 of 2024

Arising Out of PS. Case No.-356 Year-2023 Thana- CHHAURADANO District- East
Champaran

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1. Kapil Mukhiya Son Of Parsan Mukhiya Resident Of Village-Tinkoni, P.S.-
Darpa, District-East Champaran, Motihari.
 2. Arjun Mukhiya Son Of Rajdeo Mukhiya Resident Of Village-Tinkoni, P.S.-
Darpa, District-East Champaran, Motihari.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 29-03-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.
2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Section 30(a) of the Excise Act.
3. The learned counsel for the petitioners submits that
the petitioner no.1 is a person with clean antecedent and
petitioner no.2 has antecedent of one case and the allegation is
of recovery of 168 litres of liquor from a sack.
4. The learned counsel for the petitioners submits that
petitioners were not arrested from the spot, as such, nothing was
recovered from their conscious possession and even alleged



recovery is from a sack, which does not belong to the petitioners and they came to be implicated based on the confessional statement of Ram Balak Mukhiya in police custody, which does not have any evidentiary value.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.2, Motihari, East Champaran in connection with Chhauradano (Mahuawa) P. S. Case No.356 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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