

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31993 of 2024

Arising Out of PS. Case No.-982 Year-2023 Thana- TURKAULIYA District- East
Champaran

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1. Anil Mukhiya Son of Jagu Mukhiya Resident of Village- Chailaha, Bin Toli,
P.S.- Bajariya, Dist.- East Champaran
 2. Rakesh Mukhiya Son of Laxman Mukhiya Resident of Village- Chailaha,
Bin Toli, P.S.- Bajariya, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 30-04-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Section 30(a) of the
Bihar Excise Act.
3. Learned counsel for the petitioners submits that the
petitioner No. 1 is a person with clean antecedent and petitioner
No. 2 has four criminal antecedents and allegation is of recovery
of 35 litres of liquor from a place near the bank of river at
Chailaha Bin Toli.
4. Learned counsel for the petitioners submits that the
petitioners were not arrested from the spot as such nothing was



recovered from their conscious possession and even alleged recovery is from a place which is accessible to public at large and does not belong to the petitioners. It is next submitted that they came to be implicated at the instance of local villagers but then it absolutely does not stand to reason that if local person was aware of the involvement of the petitioners in the occurrence then why he/she did not inform the police prior to institution of the instant FIR which further casts aspersion on the case of the prosecution.

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

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Turkauliya (Banjariya) P.S. Case No. 982 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. It is made clear that the learned trial court before



accepting the bail bonds of the petitioners shall verify the criminal antecedents of the petitioners and in the event if it is found that the petitioner No. 1 has antecedent of even one case and petitioner No. 2 has more than four antecedents, in that event the present anticipatory bail order shall not be given effect.

(Satyavrat Verma, J)

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