

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 24548 of 2024

Arising Out of PS. Case No.-102 Year-2022 Thana- SANGRAMPUR District- East
Champaran

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1. Ramta Devi W/o Ramchandra Mukhiya R/o vill - Koirgawa Bin Toli, P.S. - Sangrampur, Distt - East Champaran
 2. Murti Devi W/o Munnshi Mukhiya @ Munshi Mukhiya R/o vill - Koirgawa Bin Toli, P.S. - Sangrampur, Distt - East Champaran
 3. Munshi Mukhiya @ Munnshi Mukhiya S/o Bachchelal Mukhiya R/o vill - Koirgawa Bin Toli, P.S. - Sangrampur, Distt - East Champaran
 4. Ramchandra Mukhiya S/o Lalbahadur Mukhiya R/o vill - Koirgawa Bin Toli, P.S. - Sangrampur, Distt - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Abhishek Kr, Hemant Ray, Advocates

For the Opposite Party/s : Ms Pronoti Singh, APP

CORAM: HONOURABLE MR JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 03-04-2024 Heard learned counsel for the petitioners and the
learned APP for the State.

2 The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30 (a) (c), 32, 41 (1) of the Bihar Excise Act.

3 Learned counsel for the petitioners submits that petitioners No 1 and 2 are persons with clean antecedent, petitioner No 3 has one antecedent and petitioner No 4 has seven cases and allegation is of recovery of 25 liters of country made liquor is from Bhatti of Bhubhni Mukhiya, 5 liters of



country made liquor from Bhatti of Munshi Mukhiya and 10 liters each of country made liquor from the Bhatti of Bhola Mukhiya, Mukesh Mukhiya and Munni Mahto respectively. It is next submitted that the petitioners were not arrested from the spot and, as such nothing was recovered from their conscious possession and the Bhatti does not belong to the petitioners and the petitioners came to be implicated based on confessional statement of co-accused in police custody which does not have any evidentiary value. It is next submitted that the police falsely implicated the petitioners including petitioner No 4 taking advantage of their antecedents.

4 Learned APP for the State opposes the prayer for anticipatory bail of the petitioners.

5 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 each of them furnishing bonds of Rs 35,000/- (Rupees Thirty Five Thousand) 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 Sangrampur PS Case No 102 of 2022 subject to the conditions



as laid down under Sec ton 438 (2) of the Cr P C.

6 It is made clear that the learned trial Court before accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event if it is found that petitioners No 1 has antecedent of even one case/petitioner No 3 has antecedent of more than one case and petitioner No 4 has more than seven cases, in that event, the present anticipatory bail order shall not be given effect.

(Satyavrat Verma, J)

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