

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31507 of 2024

Arising Out of PS. Case No.-588 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

1. Suresh Mukhiya S/o Sidani Mukhiya
2. Shamesher Mukhiya S/o Rameshwar Mukhiya
Both are R/o vill - Hasuaha, P.s. - Muffasil, Distt. - East Champaran
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Kumar, Advocate
For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 30-04-2024 1. Heard learned counsel for the petitioners as well as
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 308 of the IPC and under Section 30(a),(b), 32, 41(i) of
the Bihar Prohibition and Excise (Amendment) Act.
3. The learned counsel for the petitioners submit that
the petitioner are person with clean antecedent and allegation is
of recovery of 70 liters of liquor along with 1500 liters of semi
prepared liquor from bank of Hosuahan river.
4. It is next submitted that petitioners were not
arrested from the spot as such nothing was recovered from the
conscious possession and even alleged recovery is from a place



which does not belong to the petitioners and accessible to public at large and they came to be implicated at the instance of 'Chowkidar' with whom they are on inimical term. It is also submitted that 'Chowkidar' was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to institution of the instant FIR, which cast an aspersion on the case of the prosecution.

5. The learned APP for the State opposes the anticipatory 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 his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Court No.1, East Champaran at Motihari in connection with Muffasil P.S. Case No.588 of 2021, subject to the conditions 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 antecedent of the petitioners and in the event, if it is



found that petitioners have antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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