

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37912 of 2024

Arising Out of PS. Case No.-81 Year-2024 Thana- PIPRA District- East Champaran

1. Rakesh Mukhiya S/O Jamun Mukhiya Resident of Village- Kuwarpur, P.S.- Pipra, District-East Champaran.
2. Binod Mukhiya S/O Hira Mukhiya Resident of Village- Kuwarpur, P.S.- Pipra, District-East Champaran.
3. Chhabela Mukhiya @ Chabela Mukhiya S/O Jyotik Mukhiya Resident of Village- Kuwarpur, P.S.-Pipra, District-East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party : Mr. Mritunjay Kumar Nirala, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 26-06-2024 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 Sections 30(a) and 41(1) of the Bihar Excise Act.
3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and allegation is of recovery of 13 liters of liquor along with 1000 liters of mahua pass from bush.
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 does not belong to the petitioners and is accessible to public at large and they came to be implicated at the instance of Chawkidar. It is next submitted that the Chawkidar in order to save the real culprits falsely implicated the petitioners when petitioners admittedly are persons with clean antecedent. It is also submitted that if Chawkidar 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.

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. 500/- (Rupees Five Hundred) 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 Pipra P.S. Case No. 81 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



7. However, it is made clear 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 to.

(Satyavrat Verma, J)

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