

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51113 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- SAHIYARA District- Sitamarhi

1. RAM KALEBAR MUKHIYA @ RAM KALEBAR KUMAR SON OF RAJ DEV MUKHIYA @ RAJDEV MUKHIYA RESIDENT OF VILLAGE - HANUMAN NAGAR, WARD NO.-2, P.S. - SAHIYARA, DISTRICT - SITAMARHI
2. SATENDRA MUKHIYA @ SATENDRA KUMAR SON OF RAJ DEV MUKHIYA @ RAJDEV MUKHIYA RESIDENT OF VILLAGE - HANUMAN NAGAR, WARD NO.-2, P.S. - SAHIYARA, DISTRICT - SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 30-07-2024 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 offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.
4. Allegation is of recovery of 72 litres of liquor from the road.
5. 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 the alleged recovery is from a place which does not belong to the petitioners and



is accessible to public at large. It is further submitted that petitioners came to be implicated based on the confessional statement of Rudal Sahni in police custody which does not have any evidentiary value in the eye of law.

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

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sahiyara P.S. Case No. 23 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioners, shall verify the criminal antecedent of the petitioners and 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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