

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52918 of 2024

Arising Out of PS. Case No.-46 Year-2020 Thana- SANGRAMPUR District- East
Champaran

-
1. Upendra Mukhiya, Son Of Shiv Mukhiya @ Indal Mukhiya Village-
Koorgawan Bin Toli, Ps- Sagrampur, Dist- East Champaran
 2. Birbahadur Mukhiya, Son Of Baldeo Mukhiya Village- Koorgawan Bin Toli,
Ps- Sagrampur, Dist- East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Kanhiya Kishor

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 02-08-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 30(a) and 30(d) of the Excise Act.

3. The learned counsel for the petitioners submits that
the petitioner no.1 has antecedent of six cases and petitioner
no.2 is a person with clean antecedent and the allegation is of
recovery of 15 litres of liquor from the distillery of petitioner
no.1 and 10 litres of liquor the distillery of petitioner no.2.

4. The learned counsel for the petitioners submits that
petitioners were not arrested from the spot, as such, nothing was



recovered from their conscious possession and are not the owner the alleged distillery from where the liquor was recovered. It is next submitted that it appears that the police in order to save the real culprit falsely implicated the petitioners taking advantage of antecedent of petitioner no.1.

5. Learned A.P.P. 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 their furnishing bail-bonds in the sum of Rs. 30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Court No.1, Motihari, East Champaran in connection with Sangrampur P. S. Case No.46 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. 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 petitioner no.1 has antecedent of more than six cases



and petitioner no.2 has antecedent of even one case, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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