

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50992 of 2024

Arising Out of PS. Case No.-707 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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Bijal Mukhiya @ Vijal Mukhiya S/o Late Muso Mukhiya R/o Mohalla -
Maharshi Mehi nagar Velha Ghat, Ward No.04, P.S. - Madhepura, Distt. -
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar

For the Opposite Party/s : Mr. Nityanand

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 30-07-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of
Bihar Prohibition and Excise (Amendment) Act, 2018.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 28 litres of codeine cough syrup from a place
behind the house of the petitioner. It is next submitted that
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and even alleged
recovery is from a place which does not belong to the petitioner
and is accessible to public at large and he came to be implicated



at the instance of local person but then the name of person, who disclosed the name of petitioner is not disclosed in the F.I.R., which casts an aspersion on the case of prosecution. It is also submitted that police in majority of the cases implicates either at the instance of chowkidar or local people in a mechanical manner.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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) 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 Excise Case No.707/2021, arising out of Madhepura Excise P.S. Case No.162/2021-22/Excise Case No.162/2021-22, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedents of the petitioner and in the event if it is



found that petitioner has 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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