

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55049 of 2024

Arising Out of PS. Case No.-166 Year-2024 Thana- BAIRIYA District- West Champaran

Sujit Kumar @ Sujeet Mukhiya Son Of Amerika Mukhiya @ Amirka Nishad
Village- Laukariya Bandh, Ps- Bairiya, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Adv.
For the Opposite Party/s : Mr. Shaheen Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Bairiya P.S. Case No. 166 of 2024 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act.

03. As per prosecution case, on the basis of secret information about a person carrying liquor in his bag, police reached the spot and a person fled away from there seeing the police party leaving behind the bag. The chowkidar and villagers identified the person who fled away from the spot as the petitioner. From the search of the bag recovery of 6.375 litres of India made foreign liquor was made.

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from person or possession of this petitioner. The recovery has been made from a place near the railway crossing and it is an open place which is accessible to all. For recovery of liquor from such a place the petitioner could not be made liable. The petitioner has been named in the case at the instance of the chowkidar who is at inimical terms with this petitioner. Even no name of any of the villagers who named this petitioner has been given. Learned counsel further submits that there are two antecedents of this petitioner of similar nature in which he is on bail.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the place of recovery and further considering no recovery from the petitioner and possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned Exclusive Special Judge, Excise, Bettiah, West Bengal in connection with Bairiya



P.S. Case No. 166 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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