

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73831 of 2023

Arising Out of PS. Case No.-468 Year-2023 Thana- TURKAULIYA District- East
Champaran

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1. VIJAY MUKHIYA SON OF SHANKAR MUKHIYA VILLAGE-
CHAILAHA BIN TOLI, PS- TURKAULIYA (BANJARIA O.P.), DIST-
EAST CHAMPARAN AT MOTIHARI
 2. HARIHAR MUKHIYA SON OF BHAGWAN MUKHIYA VILLAGE-
CHAILAHA BIN TOLI, PS- TURKAULIYA (BANJARIA O.P.), DIST-
EAST CHAMPARAN AT MOTIHARI
 3. RANJU DEVI WIFE OF VIJAY MUKHIYA VILLAGE- CHAILAHA BIN
TOLI, PS- TURKAULIYA (BANJARIA O.P.), DIST- EAST CHAMPARAN
AT MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Ms. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-03-2024 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 272, 273
and 34 of the Indian Penal Code read with Sections 30(a), 32,
34, 36 and 41(i) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the
petitioner no. 1 has antecedent of one case and petitioner no. 2
has antecedent of two cases and petitioner no. 3 is a person with
clean antecedent and allegation is of recovery of 35 liters of



liquor along with 500 liters of jaggery solution from bank of Dhanauti river.

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 the alleged recovery is from a place which is accessible to public at large and does not belong to the petitioners. It is next submitted that they came to be implicated at the instance of *Chowkidar*. It is further submitted that in 90% of the case the police is implicating the accused persons at the instance of *Chowkidar* or at the instance of local villager. It is also submitted that if the *Chowkidar* was aware of the involvement of the petitioners in the occurrence then why the *Chowkidar* did not inform the police earlier. It is also submitted that after recovery is made, then accused persons are implicated at the instance of *Chowkidar* which casts an aspersion on the case of the prosecution.

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. 10,000/- (Rupees Ten Thousand) each 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 Turkauliya (Banjaria O.P.) P.S. Case No. 468 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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