

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72642 of 2023

Arising Out of PS. Case No.-203 Year-2023 Thana- BELDOUR District- Khagaria

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1. KUNDAN MUKHIYA SON OF NARAYAN MUKHIYA RESIDENT OF VILLAGE - TILATHI, POLICE STATION - BELDOUR, DISTRICT - KHAGARIA
 2. PAPPU MUKHIYA SON OF NARAYAN MUKHIYA RESIDENT OF VILLAGE - TILATHI, POLICE STATION - BELDOUR, DISTRICT - KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmatma Singh
For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 21-03-2024 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Beldour Police Station Case No. 203 of 2023, dated 07.08.2023, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, on secret information that illicit liquor is being sold in the house of co-accused Narayan Mukhiya, raided the house and upon seeing the police, four persons started fleeing away, but the police apprehended two of them, who disclosed their names as Narayan Mukhiya



and Sonu Mukhiya and they disclosed the names of the petitioners as the persons who succeeded in fleeing away. The police searched the said house and recovered 27.5 litres of illicit country-made liquor from the said house.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case inasmuch as the petitioners are the sons of Narayan Mukhiya and the entire family has been made accused in this case by the police. He further submits that at the time of search and seizure, the petitioners were in Delhi in relation to their livelihood. He further submits that the illicit liquor has not been recovered from their conscious possession and the house, in question, is a joint family house, in which other persons also reside.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the petitioners have got no criminal antecedent, the entire family of the petitioners have been made accused in this case and the house, from where illicit liquor has been recovered, is a joint family property, in which other family members also reside, I am inclined to grant the petitioners privilege of anticipatory bail.



6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Khagaria, in connection with Beldour Police Station Case No. 203 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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