

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72749 of 2024

Arising Out of PS. Case No.-303 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

Sukhdeo Mukhiya Son of Laxman Mukhiya Resident of Village - Haraj Pur,
P.S.- Muffasil, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-10-2024 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 Sections 272, 273 of the Indian
Penal Code and Section 30(a) of Bihar Prohibition and Excise Act,
2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and allegation is of recovery of
5 litres of liquor from a place behind the house of 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 villager but then the name of the
person who disclosed the name of petitioner is not disclosed in the



F.I.R., which casts an aspersion on the case of the prosecution.

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.5000/- (Rupees five thousand) 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 Motihari Muffasil P.S. Case No.303/2024, 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 more than one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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