

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78746 of 2024

Arising Out of PS. Case No.-389 Year-2023 Thana- SONBERSA District- Sitamarhi

1. Ful Kumari Devi wife of Kuldeep Mukhiya village - Registry Mohalla @ Rajistry Muhalla, P.S. - Bhutahi, Dist. - Sitamarhi
2. Binod Mukhiya @ Vinod Mukhiya Son of Kuldeep Mukhiya village - Registry Mohalla @ Rajistry Muhalla, P.S. - Bhutahi, Dist. - Sitamarhi
3. Mukesh Mukhiya Son of Kuldeep Mukhiya village - Registry Mohalla @ Rajistry Muhalla, P.S. - Bhutahi, Dist. - Sitamarhi
4. Sikindar Mukhiya son of Kuldeep Mukhiya village - Registry Mohalla @ Rajistry Muhalla, P.S. - Bhutahi, Dist. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar
For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-11-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Sonbarsa P.S. Case No. 389 of 2023 dated 27.12.2023 registered under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the first information report a total quantity of 10 liters of country made liquor along with the articles used in manufacturing liquor were recovered near Lakhandei river.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated by the Police with



oblique motive. The name of the petitioners transpired on the basis of confessional statement of the apprehended co-accused namely, Manoj Mukhiya and Soman Kumar. During the course of investigation none of the independent witnesses have supported the case of prosecution except the members of the raiding party. No incriminating article and / or illicit liquor has been recovered from the conscious possession of the petitioners. The petitioner nos. 1, 2 & 3 have no criminal antecedent and the petitioner no. 4 is having one criminal antecedent of different nature of offence.

5. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the conscious possession of the petitioners rather the same has been recovered near Lakhandei river, which is an open area accessible to all and sundry and the petitioners are having no criminal antecedent, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of



Exclusive Special Excise Court-1, Sitamarhi in connection with
Sonbarsa P.S. Case No. 389 of 2023 subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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