

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86383 of 2023**

Arising Out of PS. Case No.-1003 Year-2023 Thana- TURKAULIYA District- East
Champaran

Lalbabu Mukhiya Son Of Sri Bhagwan Mukhiya Resident Of Village -
Chailaha Kothi, Police Station - Banjariya, District - East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 24-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Turkauliya (Banjariya) P.S. Case No. 1003 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018. He has got five criminal antecedents and in all the cases, he is on bail.

3. As per the prosecution story, the informant while on raiding duty got secret information that this petitioner is indulged in making illicit liquor near Dhanauti River. On such information, the informant reached at the said spot and saw a person fleeing away after throwing away a plastic gallon. It is



alleged that when the said place was searched, fifteen litres country-made liquor from a plastic gallon and two gas cylinders were recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that neither the petitioner was apprehended at the spot nor any incriminating article was recovered from the conscious possession of the petitioner. It is further submitted that the petitioner has been named in this case based on a secret information and then the raid was conducted.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it is noticed that fifteen litres country-made liquor and two gas cylinders have been recovered from the bank of Dhanauti River and the petitioner has been named in this case on the basis of secret information on which the raid was conducted, however, the petitioner has not been arrested on the spot, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Turkauliya (Banjariya) P.S. Case No. 1003 of 2023 on furnishing bail bond



of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.1, East Champaran at Motihari subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. Further condition that he will appear before the Investigating Officer of the case within two weeks from today and cooperate in course of investigation.

8. And further condition that the learned court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the learned court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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