

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4478 of 2025

Arising Out of PS. Case No.-207 Year-2024 Thana- SATHI District- West Champaran

1. Shankar Mukhiya Son of Kolai Mukhiya Resident of village - Basantpur, PS - Sathi, Dist. - West Champaran
2. Sunil Mukhiya Son of Sri Kolai Mukhiya Resident of village - Basantpur, PS - Sathi, Dist. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate
For the Opposite Party/s : Ms. Shaheen Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-02-2025 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 274 and 275 of the BNS, 2023 as well as Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of two cases and petitioner no. 2 has antecedent of three cases.

4. Allegation is of recovery of 35 litres of liquor from the house of the petitioners.

5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was



recovered from their conscious possession and after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with. It is further submitted that the house in question is a joint family property, as such, it cannot be alleged with certainty that it was the petitioners who had kept the liquor in the house or the liquor kept in the house was within their knowledge.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sathi P.S. Case No. 207 of 2024, subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the petitioners and if it is found that petitioner no. 1 has antecedent of more than



two cases and petitioner no. 3 has antecedent of more than three cases in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioner no. 1 has antecedent of two cases and petitioner no. 2 has antecedent of three cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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