

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 8371 of 2025

Arising Out of PS. Case No.-189 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

=====

Mithilesh Mukhiya @ Mithun Son of Late Khattar Mukhiya, Resident of
Village -Ward No 5, Belha Ghat Madhepura, PS -Madhepura, Distt
-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Md. Mumtaz Uddin, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-03-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner is named in F.I.R. and
apprehending his arrest in connection with Excise P.S. Case No.
189 of 2021-22 related to Excise Case No. 762 of 2021,
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. The allegation against the petitioners is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 27 litres of IMFL/country made liquor and 1.30
litres of Codein Syrup from the house of the petitioner.

4. Learned counsel appearing on behalf of the petitioner



submitted that recovery of illicit liquor as per seizure list was made from open place i.e. “*Angan*” of this petitioner, which appears accessible by general public and, therefore, it can be safely said that recovery of illicit liquor was not made from conscious physical possession of this petitioner. It is submitted that the house in issue occupied by several adult family members and furthermore, it was not searched by complying the provisions of Section 100(4) of Cr.P.C/103(4) of the BNSS, which is otherwise mandatory for searching the premises or house in issue. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as recovery of illicit liquor *prima facie* not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge -VII-cum-Special Judge, Excise-II, Madhepura/concerned



Court, where the case is pending in connection with Excise P.S.
Case No. 189 of 2021-22 related to Excise Case No. 762 of 2021,
subject to the conditions as laid down under Section 438(2) of the
Cr.P.C./482(2) of the BNSS.

(Chandra Shekhar Jha, J)

veena/-

U		T	
---	--	---	--

