

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13586 of 2025

Arising Out of PS. Case No.-142 Year-2024 Thana- CHORAUT District- Sitamarhi

1. Ram Chandra Mukhiya Son of Harichan Mukhiya Resident Of Village- Choraut Ward No 04, Ps- Choraut, Dist- Sitamarhi
2. Rajiv Mukhiya @ Sanjit Mukhiya Son of Baidhanath Mukhiya Resident Of Village- Choraut Ward No 04, Ps- Choraut, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-03-2025 1. Heard Mr. Sanjay Kumar, learned counsel for the petitioners and Mr. Ram Sevak Choudhary, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Choraut P. S. Case No. 142 of 2024 dated 03.12.2024 registered for the offence(s) punishable under Section(s) 37(b), 30(a) of Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned counsel for the petitioners are that as per the prosecution story one namely, Santosh Mukhiya was caught in drunken condition and on his statement, the petitioners have been made accused in this matter while admittedly he was not apprehended at the



place of recovery, the seized liquor is said to have been recovered from an open field situated behind the house of Heera Mukhiya, and the petitioners have no connection with the place of recovery and except the statement of apprehended co-accused Santosh Mukhiya, there is no material to show the petitioners' involvement in connection with the recovered excise material and two co-accused persons namely, Ram Nath Mukhiya and Shoshan Mukhiya @ Sheshan Mukhiya @ Sushindra Mukhiya have been granted the relief of anticipatory bail by a co-ordinate bench of this Court vide order dated 06.03.2025 passed in Cr. Misc. No. 9058 of 2025. It is further submitted that on account of PACS election, there was some enmity in between the petitioner and apprehended co-accused Santosh Mukhiya, due to which the petitioners are falsely implicated in the recovery of the alleged liquor by said co-accused and the petitioners have fair and clean antecedent and the alleged offences under the Excise Act do not even *prima facie* attract against them, so, the petitioners' prayer for anticipatory bail is not hit by the provision of Section 76(2) of the Bihar Prohibition and Excise Act.

4. Though, learned APP appearing for the State has opposed the bail prayer of the petitioners but fairly accepted that against the petitioners there is no material except the statement



of co-accused Santosh Mukhiya.

5. Considering the aforesaid submissions advanced by petitioners’ counsel coupled with the fair and clean antecedent of the petitioners and the privilege of anticipatory bail having been granted to the aforesaid two co-accused persons by a co-ordinate bench of this Court, in my opinion, it is a fit case for anticipatory bail to the petitioners. Accordingly, let the petitioners named-above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Choraut P. S. Case No. 142 of 2024 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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