

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20943 of 2025

Arising Out of PS. Case No.-75 Year-2025 Thana- JOGAPATTI District- West Champaran

1. Sitaram Mukhiya S/O Late Hiranman Mukhiya R/O Village- Ward No.-1, Tola Padraun, P.S- Jogapatti, Distt.- West Champaran, Bihar.
2. Jhunnu Mukhiya @ Jhuna Mukhiya @ Jhunnu Kumar S/O Sitaram Mukhiya R/O Village- Ward No.-1, Tola Padraun, P.S- Jogapatti, Distt.- West Champaran, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mayank Mohan
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-04-2025 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners are named in the F.I.R. and apprehended their arrest in connection with Yogapatti P.S. Case No. 75 of 2025 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 engage in illegal trading/manufacturing of illicit liquor, where, there is recovery of 30 litres of IMFL/country made liquor.



4. Learned counsel appearing on behalf of the petitioners submitted that alleged recovery of illicit liquor was made from an open field, where name of petitioners transpired out of disclosure of unknown co-villagers, saying that petitioners were found running from the place of recovery. It is submitted that recovery of illicit liquor was not made from the conscious physical possession of petitioners. It is also submitted that petitioner no. 1 found involved in one more case of different nature, whereas petitioner no. 2 found involved in two more cases, one of which is of similar in nature, where both petitioners are on bail.

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of aforesaid facts and circumstances and by taking note of the fact as recovery of illicit liquor prima-facie, not appears to be made from the conscious physical possession of petitioners, accordingly both above named petitioners, in the event of their arrest or surrender before the learned Trial Court within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-II, Bettiah, West Champaran/concerned Trial Court where the case is pending in connection with Yogapatti P.S. Case No. 75 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./Section 482(2) of the BNSS with further condition:-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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

