

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21602 of 2025

Arising Out of PS. Case No.-160 Year-2024 Thana- SAHIYARA District- Sitamarhi

Dashrath Mukhiya Son of Late Kailash Mukhiya Resident of Village-
Hanuman Nagar, P.S.- Sahiyara, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Sahiyara P.S. Case No. 160 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, 144 litre Nepali Saufi wine was recovered from the heap of straw which was kept behind the house of the co-accused Ramkalewar Mukhiya who succeeded in fleeing away from the place of occurrence. Further, 45 litre Nepali Saufi wine was also recovered from the heap of straw which was kept behind the house of the petitioner. Local people and local chaukidar disclosed the name of the petitioner who succeeded in fleeing away from the place of



occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner bears criminal antecedent of three cases in which he is on bail. He further submits that just because of having criminal antecedents petitioner has been roped in the present case. He further submits that the place of recovery is an open place which is accessible to all and petitioner cannot be held liable for the alleged recovery. Petitioner has no concern with the alleged recovery. No incriminating article has been recovered from the conscious possession of the petitioner. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of



Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-I, Sitamarhi in connection with Sahiyara P.S. Case No. 160 of 2024, subject to the conditions as laid down under Section 482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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