

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24464 of 2025

Arising Out of PS. Case No.-350 Year-2024 Thana- KOTWA District- East Champaran

Bachchalal Mukhiya @ Bacchalal Mukhiya Son of Kedar Mukhiya R/V- Jagir
Karariya, Bind Toli, P.S.- Kotwa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore Alias Kundan Kumar, Adv
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 06-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Kotwa P.S. Case No. 350 of 2024, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. The case of the prosecution, in short, is that on 18.12.2024, while the informant and his team were on patrol duty, they received information that the petitioner was manufacturing illegal country-made liquor in his hutment. Upon reaching the location, during the search, the police recovered 20 liters of country-made liquor from the hutment. It is further alleged that the local Chowkidar disclosed the name of the petitioner and he has been named in the FIR.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The hutment from which 20 liters of country-made liquor has been allegedly recovered is not the property of the petitioner and has nothing to do with the said hutment. He further submits that nothing has been recovered from his conscious possession and he has been implicated on the mere statement of the Chowkidar. He further submits that the seizure list which has been prepared is also not signed by two independent witnesses and hence, it puts a serious question mark about the legality and validity of the seizure made.

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

6. Considering the fact that the petitioner specifically denies that the hutment from where 20 liters of illicit liquor has been recovered, does not belong to him and also the fact that nothing has been recovered from his conscious possession and further he has clean antecedent and he has been named on the basis of statement made by the Chowkidar. This Court is thus inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, named above, in the event of his arrest or surrender before the Court below within four weeks



from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-1/concerned Court, Motihari, East Champaran in connection with Kotwa P.S. Case No. 350 of 2024, subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Alok Kumar Sinha, J)

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