

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26533 of 2025

Arising Out of PS. Case No.-67 Year-2025 Thana- BHAGWANPUR District- Begusarai

Arun Mukhiya @ Raghu Mukhiya S/o- Ram Kishun Mukhiya Resident of
village- Bith Ward No 8 PS- Bhawanpur District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhanshu Prakash

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bhagwanpur P.S. Case No. 67 of 2025 registered for the offences punishable under Section 30 (a) (d) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, 25 litre country made chulai liquor was recovered from the bank of river *Balan* at village *Bhith*. Co-accused Nanku Kumar was apprehended on the spot and he disclosed the name of the petitioner who succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that place of recovery is an open place which is accessible to all and petitioner cannot be held liable for the alleged recovery.



Petitioner was not found at the place of occurrence. He has no concern with the alleged recovery. Seizure list has not been made as per the law. He further submits that except disclosure of the said co-accused, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of two cases in which he is on bail. 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 Judge – I, Begusarai in connection with Bhagwanpur P.S.
Case No. 67 of 2025, 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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