

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31647 of 2025

Arising Out of PS. Case No.-578 Year-2022 Thana- KESARIA District- East Champaran

1. Vijay Mukhiya S/o- Jamadar Mukhiya, village- Bathna, PS- Keshariya, Dist- East Champaran
2. Nandu Mukhiya S/o- Jamadar Mukhiya, village- Bathna, PS- Keshariya, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shatrughna Pandey, Advocate
For the State : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 16-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail, apprehending their arrest, in connection with Kesariya P.S. Case No. 578 of 2022, dated 24.11.2022, registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 32 and 41(1) of the Bihar Prohibition and Excise (Amendment) Act.

3. As per allegation, 17 litre of illicit liquor has been recovered from river side situated Bathna Bin Toli in Kesariya Police Station.

4. Learned counsel for the Petitioners submits that the



Petitioners are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the possession of the Petitioners or from their house. He further submits that petitioners have nothing to do with the alleged offence.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioners have no criminal antecedent.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners, above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Kesariya P.S. Case No. 578 of 2022, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the



following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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