

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30980 of 2025

Arising Out of PS. Case No.-453 Year-2024 Thana- TURKAULIYA District- East
Champaran

Nagendra Mukhiya, S/o Ramdayal Mukhiya, Resident of village- Balhi, ward
no. 1, P.S. - Turkaulia, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-05-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Turkauliya P.S. Case No. 453 of 2024 registered for the offences punishable under Sections 274, 275 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 30 (a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is of involved in trafficking of illicit liquor, the police conducted raid near Balahi river, however, noticing the police party two persons succeeded in fleeing away after throwing the gallons. On search, 20 litres of country made liquor was recovered. The petitioner and one another person was identified by the local *Chaukidar*.

4. Learned Advocate for the petitioner contended that



the recovery has been made from an open place, which is easily accessible to all. Moreover, the identification of the petitioner by the local *Chaukidar*, who resides at different place, is quite doubtful. There are various other infirmities in the search and seizure, coupled with non-compliance of Sections 103 and 105 of the Bharatiya Nagarik Suraksha Sanhita, 2023. In fact, only on account of one criminal antecedent of identical nature, as has been disclosed in para.3 of the petition, the name of the petitioner has been implicated in this case. The petitioner undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from an open place, apart from the infirmities, as has been disclosed by the petitioner and absence of the substantive materials attracting the rigors provided under Section 76(2) of the of the Bihar Prohibition and Excise Act, 2016, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on



furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.-I, Motihari, East Champaran in connection with Turkauliya P.S. Case No. 453 of 2024, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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