

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32704 of 2025

Arising Out of PS. Case No.-31 Year-2025 Thana- Excise Benipatti District- Madhubani

Shyam Sundar Kumar @ Shyam Sundar Mukhiya S/O Devan Mukhiya R/O
Ward No. 06, Singiyahi, Hardia, P.s.- Pupari, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikas Kumar Jha, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 19-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with G.O. No. 212 of 2025 arising out of Benipatti Excise P.S. Case No. 31 of 2025 for the offence registered under Sections 30 (a) of the Bihar Prohibition & Excise Amendment Act, 2018.

3. As per the prosecution case, there is recovery of 12 litres illicit Nepali Country made liquor from the plastic bag on the motorcycle of the petitioner and co-accused persons. The co-accused Gyani Kumar and Kaushal Mukhiya were apprehended on the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner is the owner of the seized motorcycle. The said motorcycle was given by the petitioner to his brother in good faith



on the day of incident in the name of medical urgency. However, he had no knowledge about the motive of the co-accused to use the motorcycle in illegal activity. The petitioner was not present at the spot and except that the petitioner is the registered owner of the seized motorcycle there is no material against the petitioner. Petitioner has no criminal antecedent. He undertakes to cooperate in the investigation and trial of this case.

5. Learned APP opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court where the case is pending in connection with G.O. No. 212 of 2025 arising out of Benipatti Excise P.S. Case No. 31 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

(Sunil Dutta Mishra, J)

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