

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33040 of 2025

Arising Out of PS. Case No.-139 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

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Mukesh Kumar @ Mukesh Kumar Jaiswal S/o Lagatu Shah Resident of
Madhubani Ghat, P.S.- Muffsasil, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh
For the Opposite Party/s : Mr.Rajesh Kumar

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Amendment Act.

3. Perusal of the first information report and the seizure
list, would go to show that 35.865 liters of foreign liquor and
3.900 litres of Nepali liquor is said to have been recovered from
the house of the petitioner.

4. It is submitted by learned counsel for the petitioner
that there is no recovery from the conscious or physical
possession of the petitioner and the house is a joint family
property and hence, no liability can be fixed on the petitioner. It



is further submitted that the mandatory provisions of search and seizure have been violated and the petitioner is in custody since 11.03.2025 with no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail.

6. Taking into consideration the fact and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Muffasil P.S. Case 139 of 2025, subject to the further condition that:

(i) The petitioner shall cooperate in the investigation/trial.

(ii) The one of the bailors will be a family member/close relative.

(iii) The court below shall verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process



would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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