

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32978 of 2025

Arising Out of PS. Case No.-46 Year-2025 Thana- Excise Benipatti District- Madhubani

Raj Kumar Mukhiya S/o Late Ram Krit Mukhiya R/o Village- RAjghatta
Ward No.5, P.S.- Benipatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

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

2. The petitioner makes a prayer for bail in connection with Benipatti Excise P.S Case No.274 of 2025 registered for offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The First Information Report and the seizure list would indicate that there is a total recovery of 125.30 litres of Nepali liquor made from the half constructed house of the petitioner and two motorcycles have also been recovered from there.

4. Learned counsel for the petitioner submits that the nothing has been recovered from the physical and conscious possession of the petitioner and the allegation itself discloses



that the recovery has been made from the half constructed house of the petitioner, which would go to show that the petitioner was not residing at the said house. Further, there is no independent witness to the seizure list and hence, the mandatory provisions of search and seizure have not been complied with. The petitioner is in custody since 14.03.2025.

5. Learned APP for the State opposes the prayer for bail application on the ground that there is one criminal antecedent which is not of the same nature, in response to which learned counsel for the petitioner submits that he is on bail in the said case.

6. In view of the facts and circumstances, the petitioner is enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge Excise Act, Madhubani, in connection with Benipatti Excise P.S Case No.274 of 2025, subject to the following conditions:

(i) the petitioner shall co-operate in the investigation/trial.

(ii) the learned Court would, however, 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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