

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34382 of 2025

Arising Out of PS. Case No.-36 Year-2025 Thana- Excise Benipatti District- Madhubani

Manoj Mukhiya S/O Saukhi Mukhiya @ Sukhi Mukhiya R/O village-
Benipatti, ward no. 17, P.S-Benipatti, Distt-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Kumari Pallavi, Adv.
		Mr. Manoj Kumar Pandey, Adv.
For the Opposite Party/s	:	Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-05-2025 Heard Mr. Manoj Kumar Pandey, learned Counsel
for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Benipatti Excise P.S. Case No. 36 of 2025 for the offence registered under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 27.02.2025 by the informant, Shubham Kumar Thakur.

3. As per the prosecution story, the informant alleged that on secret information, reached near Lohiya Chowk. A person carrying bag after throwing it managed to escape, on search, 78 liter beer recovered/seized. The local gave the name of this petitioner. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that only because of criminal antecedent, he has been implicated,



nothing has been recovered from his conscious possession. The last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 15,000/- to the District Legal Services Authority, Madhubani for installation of sanitary vending machine for the Sub-Divisional Court Campus of Benipatti Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he has criminal antecedent.

6. Taking into account the submissions of the parties as also the fact that recovery/seizure is not from his conscious possession, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs.15,000/- to the District Legal Services Authority, Madhubani for the installation of sanitary vending machine in the Sub-Divisional Court Campus of Benipatti Judgeship through Demand Draft issued by the local branch of the State Bank of India.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of



Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned District & Addl. Sessions Judge-II-cum-Special Judge, Excise, Madhubani in connection with Benipatti Excise P.S. Case No. 36 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

8. Let a copy of this order be sent to learned Principal District and Sessions Judge, Benipatti for his perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

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