

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34404 of 2025

Arising Out of PS. Case No.-217 Year-2020 Thana- Government Official Comp. District-
East Champaran

Mukti Rai Son of Late Jiyalal Rai, R/O Village- Mohaddipur, P.S. -Chiraiya,
District -East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-06-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The present criminal miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of regular bail to the petitioner who is in custody in connection with Motihari Excise P.S. Case No. 217 of 2020, lodged on 10.06.2020, under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, total recovery of 11 litres of country made liquor has been made and 2200 litres semi prepared (Mitha Ghol) liquor has been destroyed, which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel



further submits that the recovery of alleged country made liquor was made from the bank of pond at Sahu Tola in Mohddipur. Counsel further submits that petitioner was not apprehended from the spot and he has no concerned with the alleged recovery and he is in custody since 08.04.2025.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that antecedent of the petitioner is not clean and there are three identical criminal cases pending against the petitioner.

6. In this background, this Court is not inclined to enlarge the petitioner on bail in connection with Motihari Excise P.S. Case No. 217 of 2020 pending in the court of learned Exclusive Special Excise Court No.2, East Champaran, Motihari. Hence, the prayer for bail of the petitioner is hereby rejected.

7. However, the trial Court is directed to release the petitioner on bail by imposing its own condition so that the petitioner may not evade appearance during trial, if he renews his prayer for bail after framing of charge.

(Dr. Anshuman, J)

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