

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38633 of 2025

Arising Out of PS. Case No.-44 Year-2025 Thana- Excise Benipatti District- Madhubani

Jaynath Mukhiya Son of Asharfi Mukhiya Resident of Village-Kauaaha,
Barhi, Ward No.- 9, P.S.- Harlakhi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Benipatti Excise P. S. Case No. 44 of 2025 dated 10-03-2025, corresponding to G.O. No. 267 of 2025 instituted under Section 30(a) of the Bihar Prohibition and Excise Act.

3.The allegation is of the recovery of 67.200 litres of illicit *Nepali* country-made liquor from two plastic sacks found beneath the cot kept in the veranda of the petitioner's tin-shed house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is submitted that the petitioner is not residing in the said house. The said house is abandoned one. The petitioner



has no concern with the seized liquor. It is next submitted that petitioner has not been arrested at the spot nor recovery of illicit liquor from the conscious possession or from the house of the petitioner. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court, Madhubani in Benipatti Excise P. S. Case No. 44 of 2025, corresponding to G. O. No. 267 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita 2023.

7. The application stands allowed.

(Khatim Reza, J)

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