

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39898 of 2025

Arising Out of PS. Case No.-152 Year-2025 Thana- BANJARIA District- East Champaran

Dinesh Mukhiya S/O Hira Mukhiya R/O Vill.- Chailahan Bin toli, P.S.-
Banjariya, Dist.- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Suraj Kumar Tiwari, Advocate
For the State : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 09-07-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Banjariya P.S. Case No.152 of 2025, dated -07.03.2025, registered for the offences punishable under Sections 274 and 275 of the B.N.S., 2023 and Sections 30(a) and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per allegation, 50 litres of illicit liquor has been recovered from the river bank and as per the further case of the police, the petitioner was seen to been fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this



case. He further submits that the petitioner has nothing to do with the alleged offence and the whole case is based only on suspicion. He also submits that no case is made out against the petitioner under the Excise Act, and hence, the present bail petition is maintainable.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Banjariya P.S. Case No.152 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.,



2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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