

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49992 of 2025

Arising Out of PS. Case No.-655 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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MOSAFIR MUKHIYA, Son of Ramgovind Mukhiya @ Ram Govinad Mukhiya, Resident of Village- Hasuaha, P.S.- Muffasil, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Alka Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Muffasil P.S. Case No. 655 of 2021 registered for the offences punishable under Section 30 (a) (b) of the Bihar Prohibition and Excise (Amendment) Act.

3. The petitioner is alleged to have involved in manufacturing of illicit liquor. The police on a secret information conducted raid and recovered 600 litres of semi prepared illicit liquor from the place of occurrence.

4. Learned Advocate for the petitioner contended that the recovery has been made near the bank of Hasuaha river, which is an open place, easily accessible to all and in fact the present case has been instituted against the petitioner only on



the basis of suspicion and there is no material collected during the course of investigation, which suggests that petitioner was involved in manufacturing of illicit liquor. The fair antecedent of the petitioner is also fortified the aforesaid fact. It is further submitted that admittedly the F.I.R. has been instituted in the year 2021, but at no point of time the police has come to the house of the petitioner nor he has ever been served with any requisite, hence he was not aware of the institution of the present case. The petitioner undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that in view of Section 76(2) of the Bihar Prohibition and Excise Act, the anticipatory bail application is not maintainable, coupled with the other materials.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the fact that the alleged recovery has been made at the bank of river, which is easily accessible to all and there is no cogent material, which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, coupled with the fair antecedent, as also the submission of the learned Advocate for



the petitioner regarding non-service of any requisite, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court, East Champaran, Motihari in connection with Muffasil P.S. Case No. 655 of 2021, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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