

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49282 of 2025

Arising Out of PS. Case No.-46 Year-2025 Thana- Excise Benipatti District- Madhubani

Rajnish Mukhiya Son of Raj Kumar Mukhiya R/O Village- Rajghatta Ward
No. 5, P.S.- Benipatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.

For the State : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 25-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. The FIR and the seizure list would go to show that 123.30 litres of Nepali liquor was recovered from the house of one Raj Kumar Mukhiya and two motorcycles were parked in front of the semi-constructed house of the petitioner from which 1.20 litres of Nepali liquor each was recovered.

4. Learned counsel for the petitioner submits that the name of the petitioner has surfaced in this case on account of the fact that he is the registered owner of one of the seized motorcycles bearing Registration No. BR30AH4403. Though it



is a fact that Raj Kumar Mukhiya is the father of the petitioner who was arrested on the spot, but so far as the petitioner is concerned, there is no recovery from his physical and conscious possession. It is also submitted that the process of search and seizure amounts to violation of the mandatory provisions as there is no independent witness to the said seizure and this petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail.

6. Considering the entire facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Benipatti Excise P.S. Case No. 46 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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