

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50969 of 2025

Arising Out of PS. Case No.-344 Year-2024 Thana- BANJARIA District- East Champaran

1. Rajendra Mukhiya S/O Jaleshwar Mukhiya R/O Village- Rohiniya, P.S- Banjariya, Distt.- East Champaran.
2. Dewa Mukhiya S/O Jaleshwar Mukhiya R/O Village- Rohiniya, P.S- Banjariya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Singh, Advocate Ms. Deepali Singh, Adv. Ms. Alka Singh, Adv.
For the Opposite Party/s	:	Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Banjariya P.S. Case No. 344 of 2024, dated 12.11.2024, under Sections 274 & 275 of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”) and under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022, pending before the Court of Special Judge, Excise Court No. 1, East Champaran, Motihari.

3. As per the prosecution, total recovery of 100 litres of illicit liquor has been made, which is the subject matter of the present case.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He further submits that nothing has been recovered from the possession of the petitioners. It is also submitted that the petitioners' names have figured in this case solely on the basis of the confessional statement of the local chowkidar. Furthermore, he submits that the criminal antecedents of the petitioners are not clean, as four criminal cases are pending against both of them.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that there are four criminal cases pending against both of them.

6. In the present facts and circumstances, and particularly considering the criminal antecedents of the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners is hereby rejected.

7. It is directed to the petitioners to surrender before the Trial Court within a period of 6 weeks from today. In case, the petitioners surrender within six weeks, then the Trial Court is directed to pass order on their surrender-cum-bail applications on the same day without being prejudice that the anticipatory



bail of the petitioners has been rejected by this Court and the
Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J.)

Aman Kumar/-

U		T	
---	--	---	--

