

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52769 of 2025

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

1. Umesh Mukhiya @ Umesh Kumar S/o Bhuteli Mukhiya Resident of Village- Hasuaha, P.S.- Mufassil Motihari, Dist.- East Champaran.- 845401
2. Ramesh Mukhiya @ Ramesh Kumar S/o Bhuteli Mukhiya Resident of Village- Hasuaha, P.S.- Mufassil Motihari, Dist.- East Champaran.- 845401

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Pramod Kumar Prasad, Advocate
For the State	:	Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-08-2025 Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. appearing on behalf of the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 30(a), 32 and 41(I) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, total 430 litres illicit country made liquor was recovered from near the bank of river.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. No incriminating article has been recovered from conscious possession of these petitioners and they have falsely been implicated in this case merely on the basis of disclosure made by local people. The alleged illicit



liquor has been recovered from an open place, which is accessible to one and all. Petitioners have got one criminal antecedent each of similar nature in which they are already on bail.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the nature of accusation and the fact that no incriminating article has been recovered from conscious possession of these petitioners, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 01, East Champaran, Motihari in connection with Chiraiya P.S. Case No. 152 of 2025, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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