

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55770 of 2025

Arising Out of PS. Case No.-180 Year-2025 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Sikretri Mukhiya @ Parashuram Mukhiya S/o Late Rohin Mukhiya, Resident
of Village- Aurahi, Police Station- K. Asthan, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Mili Kumari, Advocate.
For the Opposite Party/s : Mr. Rajesh Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 02-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with K. Asthan P.S. Case No.180 of 2025 instituted under
Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of 35
liter illicit country made liquor from the house of petitioner. It is
alleged that petitioner and other co-accused persons fled away
from the spot after seeing the police team.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has been implicated in this case being
the owner of the house. He further submits that recovery has
been made from bamboo clumps situated near the house of



petitioner but it is shown that the same has been recovered from the house of petitioner. Learned counsel submits that petitioner has no concern with the alleged seized liquor. He further submits that no incriminating material has been recovered from the conscious possession of petitioner. Learned counsel submits that petitioner has two criminal antecedents, out of which one case belongs to Excise Act and he undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that 35 liter country made liquor was seized from the house of petitioner and there is no satisfactory explanation that who kept the said illicit liquor in his house. Therefore, the petitioner is presumed to be involved in the occurrence and he does not deserve the privilege of anticipatory bail. He further submits that in view of Full Bench decision of this Court rendered in the case of **Ram Vinay Yadav vs. The State of Bihar** reported in **2019(2) P.L.J.R. 1089 (F.B.)** *prima facie* case is made out against the petitioner, therefore, the anticipatory bail is not maintainable.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties as well as failure to offer satisfactory explanation by the petitioner, as



stated above, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for anticipatory bail is, hereby, rejected.

7. It is clarified that if petitioner surrender before the learned Trial Court and seek regular bail, the same shall be decided on its own merit without prejudice to the rejection of this anticipatory bail of the petitioner.

(Sunil Dutta Mishra, J)

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