

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57141 of 2025

Arising Out of PS. Case No.-72 Year-2022 Thana- SIDHWALIYA District- Gopalganj

Balistar Mukhiya @ Balistar Kumar S/o Late Sakal Mukhiya, R/o Village -
Sangrampur, P.S - Sangrampur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurabh Kumar, Advocate.

For the Opposite Party/s : Mr. Ramesh Chandra, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

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

2. The petitioner apprehends his arrest in connection with Sidhwaliya P.S. Case No.72 of 2022 instituted under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on secret information that petitioner alongwith other accused persons were indulged in manufacture and sell of illegal liquor near the Gandak river, the police raided the place of occurrence and recovered 30 litre illegal *chulai* liquor and 5 litre of *mahua* liquor from the field of Manoj Mukhiya. It is alleged that petitioner and other co-accused persons fled away from the spot on seeing the police team.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case



only on the basis of disclosure statement made by the local fisherman. He further submits that petitioner has no concern either with the alleged recovered liquor or with the place, from where the alleged recovery has been made rather the said recovery has been made from an open place which is accessible to public at large. Learned counsel submits that no incriminating article has been recovered from the conscious possession of petitioner. He further submits that similarly situated co-accused person has already been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 18.03.2025 passed in Cr. Misc. No.6785 of 2025. He further submits that petitioner has no criminal antecedent and he undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the concerned Court within six weeks from today, the petitioner be released on bail upon furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ XIII-cum-Special Excise Court No.1, Gopalganj in connection with Sidhwaliya P.S. Case No.72 of 2022, subject to



the conditions as laid down under Section 482(2) of the Bharatiya
Nagrik Suraksha Sanhita, 2023.

(Sunil Dutta Mishra, J)

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