

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64703 of 2025

Arising Out of PS. Case No.-21 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Supaul

-
1. Sajjan Mukhiya S/O Lalu Mukhiya @ Lalo Mukhiya Resident of Village- Pipara Ward No. 11, P.S- Pipra, Dist- Supaul, Bihar.
 2. Mukesh Mukhiya S/O Sriram Mukhiya Resident of Village- Pipara Ward No. 11, P.S- Pipra, Dist- Supaul, Bihar.
 3. Vijay Mukhiya S/O Vishawarnath Mukhiya Resident of Village- Pipara, Ward No 12, P.S- Pipra, Dist- Supaul, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shatrughna Pandey
For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard the parties.

2. At the outset, learned Advocate for the petitioners submitted at the Bar that during the pendency of the present application, the petitioner Nos. 2 and 3 got arrested and, as such, he is not pressing the application on their behalf.

2. The petitioner No. 1 apprehends his arrest in connection with Miscellaneous Ex. Case No. 648 of 2020-21, P.R. No.21 of 2020-21, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Noticing accusation of involvement of the



petitioners in trafficking of illicit wine, the police conducted a raid in the house of the petitioners and recovered 138.600 liters of illicit wine behind the house of the petitioners.

4. Learned Advocate for the petitioner No. 1 submitted that the the alleged recovery has been made behind the house of the petitioners and, as such, the petitioner No. 1 cannot be held responsible for the same. Only on account of one criminal antecedent of identical nature, the name of the petitioner No. 1 has been implicated in this case without there being any cogent material. Moreover, there are various other infirmities in search and seizure, coupled with non-compliance of Section 100 Cr.P.C. The petitioner No. 1 undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the recovery of illicit wine behind the house of the petitioner No. 1 clearly speaks about his involvement.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the fact that the alleged recovery has been made from an open place easily accessible to all, besides various other infirmities in the search and seizure as also the lack of materials



which attract the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner No. 1, abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise Court No. 2, Civil Court, Supaul, Bihar in connection with Miscellaneous Ex. Case No. 648 of 2020-21, P.R. No.21 of 2020-21, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner No. 1.

(Harish Kumar, J)

Anjani/-

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

