

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61654 of 2025

Arising Out of PS. Case No.-184 Year-2025 Thana- BANJARIA District- East Champaran

Dwarika Mukhiya S/o Jodha Mukhiya Resident of village- Khaira Ghat , P.S.-
Banjariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Banjariya P.S. Case No. 184 of 2025 registered for the offences punishable under Sections 274, 275 of the B.N.S and Section 30(a), 41 of Bihar Prohibition and Excise Amendment Act.

3. As per prosecution case, total 350 litre country made liquor was recovered from the scooty, motorcycle and from the sack which was kept near the vehicles. Local people and chowkidar disclosed the name of petitioner and other who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner is not the owner of motorcycle or scooty in question. Learned counsel



submits that there is no compliance of section 103 and 105 of B.N.S.S. Petitioner bears no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner. In the light of aforesaid facts and circumstances, no offence is made out against the petitioner.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 01, East Champaran at Motihari in connection with Banjariya P.S. Case No. 184 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

(Alok Kumar Pandey, J)

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