

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59374 of 2025

Arising Out of PS. Case No.-662 Year-2025 Thana- SIKARPUR District- West Champaran

MUSAFIR MUKHIYA S/o Late Chhotelal Mukhiya Resident of village-
Fulvariya @ Rakhahi, ward no 10, P.S.- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujeet Kumar, Adv.

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-09-2025 Heard Mr. Sujeet Kumar, learned Counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Shikarpur P.S. Case No. 662 of 2025 for the offence registered under sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, the informant alleged that on information, a motorcycle was intercepted and there is recovery/seizure of 40 liter country made liquor. This led to the FIR.

4. Learned Counsel for the petitioner submits that though he owns the motorcycle, it was given to one of the villager namely, Chunnu Mukhiya for purchase of medicine little realizing that he shall be implicated, though he concede



that the petitioner has criminal antecedent. Further, without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 10,000/- to the District Legal Services Authority, West Champaran for the beautification/purchasing of flower pots/purchase of sanitary vending machine whichever is required in the Civil Court Campus of West Champaran Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he owns the motorcycle.

6. Considering the submissions of the parties as also the fact that it has been recorded that he had given the motorcycle to a villager, as recorded above, an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 10,000/- to the District Legal Services Authority, West Champaran for the beautification/purchasing of flower pots/purchase of sanitary vending machine whichever is required in the Civil Court Campus of West Champaran Judgeship through Demand Draft issued by the local branch of the State Bank of India and the



receipt has to be submitted to the Trial Court by the DLSA West Champaran.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-II, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 662 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

8. Let a copy of the order be sent to the learned
Principal District and Sessions Judge, West Champaran for
his/her perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

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