

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60204 of 2025

Arising Out of PS. Case No.-361 Year-2021 Thana- Excise P.S. District- Madhepura

Ram Kumar Mukhiya @ Rambhu Mukhiya @ Rambahadur Mukhiya S/o-
Birbal Mukhiya, Resident of Village- Belhaghat, Ward No- 04 PS and
District- Madhepura Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shanker Singh, Advocate
Mr. Barun Kumar Singh, Advocate
For the Opposite Party/s : Mr. Braj Kishore Pd., A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Excise P.S. Case No. 361 of 2020-21 registered under Section
30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on the basis of secret
information that petitioner and his brother co-accused Shankar
Kumar @ Bauwa have kept prohibited cough-syrup and illicit
foreign liquor in their courtyard of their house and nearby
places, police conducted raid in presence of two independent
witnesses at the house of the petitioner and on search, 257.2
litres of Codeine Phosphate and Chlorpheniramine Maleate
Syrup and 7.41 litres of illicit foreign liquor were recovered
from the courtyard of the house of the petitioner. After seeing
the police party, petitioner and co-accused were managed to flee



away from the spot who were identified by independent witnesses.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case being the owner of the house. Further submission is that the alleged recovery is not from the conscious possession of the petitioner. The house in question, from where the alleged recovery has been made, is a joint family property. Petitioner was not present on the spot and he has no concern with the seized prohibited articles. Petitioner is in custody since 28.07.2025. 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 regular bail and submits that 257.2 litres of Codeine Phosphate and Chlorpheniramine Maleate Syrup and 7.41 litres of illicit foreign liquor were recovered from the courtyard of the house of the petitioner which is a huge quantity.

6. Considering the facts and circumstances of the case, submissions of learned counsel for the parties, the huge recovery of Codeine Cough Syrup from the house of the petitioner as well as the nature of allegation against the petitioner, this Court is not inclined to grant regular bail to



the petitioner. Accordingly, his prayer for regular bail is, hereby,
rejected.

(Sunil Dutta Mishra, J)

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