

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62427 of 2025

Arising Out of PS. Case No.-158 Year-2025 Thana- BANJARIA District- East Champaran

1. Nagina Mukhiya S/O Raghunath Mukhiya Resident of Vill.- Rohiniya, P.S.- Banjariya, Dist.- East Champaran.
2. Majmul Miya @ Mainul Miyan S/O Rajak Miyan @ Rajak Miya Resident of Vill.- Rohiniya, P.S.- Banjariya, Dist.- East Champaran.
3. Surat Mukhiya S/O Raghunath Mukhiya Resident of Vill.- Rohiniya, P.S.- Banjariya, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore Alias Kundan Kumar
For the Opposite Party/s : Mr. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 24-09-2025 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Banjariya Police Station Case No. 158 of 2025, dated 11.03.2025, disclosing offence under Section 30(a)/41 of the Bihar Prohibition and Excise Act.
3. The prosecution story, as per the First Information Report, is that on 10.03.2025, on secret information, the police reached near the bank of a river, where the accused persons, on seeing the police party, fled away. Upon search, 70 litres of illicit liquor was recovered from near



the bank of river.

4. Learned counsel for the petitioner submits that the petitioners have not committed any offence in the manner alleged and they have been made accused on the basis of disclosure made by the local chowkidar. He further submits that illicit liquor has not been recovered from the conscious possession of the petitioners and/or premises belonging to them and from perusal of the seizure list it would be evident that illicit liquor has been recovered from near the bank of river which is open space and is accessible to all and sundry.
5. Regards being had to the submission made by the parties and taking into consideration the fact that illicit liquor has been recovered from near bank of river which is open space and is accessible to all and sundry, I am inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive



Special Excise Judge 1, East Champaran, Motihari, in connection with Banjariya Police Station Case No. 158 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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