

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64370 of 2025

Arising Out of PS. Case No.-589 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Vikash Mukhiya, S/o Nagina Mukhiya, R/o Village- Sisahwani (Sishani),
P.S.- Pakaridayal, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Nityanand, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Excise P.S. Case No. 589 of 2020, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

3. The police on an information raided nearby the
bank of a canal under Ajgarwa Sishani Village and apprehended
two persons, however one of the person succeeded in fleeing
away who has been identified as the petitioner. In course of
search total 200 litres country made chulai liquor besides the
manufacturing articles and utensils were recovered.



4. Learned Advocate appearing on behalf of the petitioner submitted that admittedly the alleged recovery has been made at the bank of a canal from the village, which is open place, easily accessible to all. Save and except the disclosure made by the apprehended person that too before the police and thus not admissible in the eyes of law, there is no material suggesting the complicity of the petitioner in crime. There are various other infirmities in the search and seizure, coupled with the fact the petitioner bears a fair antecedent. It is further contended that till date, the petitioner has never been served with any process and in fact, he was not knowing with regard to the institution of the present case and, as such, delay has occurred.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that the petitioner was evading his arrest for the last 5 years.

6. Having considered the submissions advanced and taking note of the materials which *prima facie* do not attract the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, coupled with the fair antecedent and the infirmities in the search and seizure as also the recovery from an open place, let the petitioner above named 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 Excise Court No.2, East Champaran at Motihari in connection with Excise P.S. Case No. 589 of 2020, 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.

(Harish Kumar, J)

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