

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66364 of 2025

Arising Out of PS. Case No.-70 Year-2025 Thana- Excise P.S. District- Madhubani

Ganesh Mukhiya S/O Kalar Mukhiya @ Kampaunder Mukhiya R/O Village-
Bhachhi, Ward No. 30, P.S- Rahika, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with G.O No. 237 of 2025 arising out of Madhubani P.S. Case No. 70 of 2025 registered for the alleged offences Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, police received information about storage of illicit liquor in an asbestos house. A raid was conducted and recovery of 1184.76 liters of India made foreign liquor was made from the said place. Petitioner is stated to be the caretaker of the house as disclosed by the villagers, who also named one Dinesh Yadav with whom the petitioner has been dealing in illicit liquor.

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case as he has nothing to do with the place from where recovery has been made. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The house of the petitioner situated far from the place of recovery. There is non-compliance of Section 105 of BNSS for search and seizure. The petitioner is having antecedent of two cases of different nature. The petitioner is in custody since 02.08.2025.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession and further considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Madhubani/court concerned in connection with G.O. No. 237 of 2025 arising out of Madhubani Excise P.S. Case No. 70 of 2025, subject to the conditions mentioned in Section 480(3)



of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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