

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84974 of 2025

Arising Out of PS. Case No.-351 Year-2025 Thana- CHIRAIYA District- East Champaran

1. Nageshwar Mukhia @ Nageshvar Kumar, aged about-31 years, Son of Bhtoli Mukhia @ Bhuteli Mukhiya R/o Village - Hasuwaha, P.S. - Muffasil, Dist. - East Champaran.
2. Santosh Mukhia @ Santosh Kumar, aged about 40 years, Son of Daroga Mukhiya @ Daroga Mukhia R/o Village - Hasuwaha, P.S. - Muffasil, Dist. - East Champaran.
3. Subodh Mukhiya @ Subodh Mukhia, aged about 40 years Son of Laxman Mukhia @ Laxman Mukhiya R/o Village - Hasuwaha, P.S. - Muffasil, Dist. - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 17-12-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. Petitioners seek anticipatory bail in a case registered for the offences punishable under Section 30(a) of Bihar Prohibition & Excise (amendment) Act.

3. As per allegation in the FIR, total 480 litres of country made liquor has been recovered from the possession of the petitioner and 1000 litres of semi prepared liquor (pass) was also recovered which was destroyed at the place of occurrence.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. He next submits that the alleged recovery of 480 liters of



country made liquor and 1000 litres (pass) were recovered from near the bank at village *Saraswaghat*. He next submits that petitioners were not arrested on the spot and as such no incriminating article has been recovered from their possession. He next submits that there is no independent seizure list witness rather they are members of the raiding party. He next submits that Petitioner No.1 has got one criminal antecedent as stated in para-3 of the bail petition and Petitioner Nos.2 and 3 have got no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that alleged illicit 480 litres of country made liquor has been recovered from the possession of the petitioners and if the petitioners will be granted bail then it will affect the investigation.

6. On perusal of the First Information Report, Impugned Order dated 06.11.2025 and submissions made by learned counsels for both the parties, it appears that the alleged 480 litres of country made liquor along with 1000 litres of semi-prepared liquor(pass) has been recovered from the possession of the petitioners and Petitioner No.1, namely, Nageshwar Mukhia has got one criminal antecedent registered for same nature of offence, i.e., under Section 30(a) Bihar Prohibition & Excise



Act. So, considering aforesaid facts and circumstances of the case and submissions made by learned counsels for both the parties, I am not inclined to grant anticipatory bail to the petitioners as it is also barred by Section 76(2) of the Bihar Prohibition and Excise Act.

7. Accordingly, the prayer for anticipatory bail of the petitioners is hereby rejected.

(Ramesh Chand Malviya, J)

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