

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70950 of 2025

Arising Out of PS. Case No.-70 Year-2025 Thana- KOTWA District- East Champaran

Mishari Mukhiya @ Mishrilal Mukhiya S/O Belash Mukhiya R/O Village -
Jagirkarariya, P.S. - Kotwa, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Yerra Madhavi

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 15-10-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Kotwa Police Station Case No. 70 of 2025, dated 28.02.2025, disclosing offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, on secret information, raided the house of the petitioner and recovered 45 litres of illicit country-made liquor from the house and 500 litres of illicit country -made liquor from the back of the house.
4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case by the police with ulterior motive. He further



submits that the petitioner has got no concern with the illicit liquor recovered inasmuch as the illicit liquor has been recovered from the back of the house of the petitioner, which is an open space and is accessible to all and sundry. He further submits that the petitioner has no criminal antecedent.

5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that from perusal of the First Information Report and the seizure list, it is apparent that 45 litres of illicit liquor has been recovered from the house of the petitioner. Accordingly, on perusal of the First Information Report and the seizure list, a *prima facie* case is made out against the petitioner and in view of the Full Bench decision of this Court, in **Criminal Appeal (S.J.) No. 431 of 2019 (Ram Vinay Yadav v. The State of Bihar)**, I am not inclined to exercise my discretion for grant of anticipatory bail to petitioner.
6. This application is, accordingly, dismissed.
7. However, if the petitioner surrenders before the concerned Court and seeks regular bail, the same may be considered by the concerned Court on its own merit,



without being prejudiced by the rejection of the present
anticipatory bail application of the petitioner by this
Court.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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