

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71469 of 2025

Arising Out of PS. Case No.-444 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Raju Mukhiya S/o Manejar Mukhiya R/o Village - Basantpur Bin Toli, P.S -
Motihari Muffasil, District - East Champaran
 2. Ajay Mukhiya S/o Amar Mukhiya R/o Village - Basantpur Bin Toli, P.S -
Motihari Muffasil, District - East Champaran
 3. Golu Kumar S/o Ajay Sah R/o Village - Patpariya Moran, P.S - Motihari
Muffasil, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sujeet Kumar, Advocate
For the State	:	Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-10-2025

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Muffasil P.S. Case No. 444 of 2025 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 10.07.2025 by the informant, Shashibhushan Kumar.

3. As per the prosecution story, the Police on secret information about selling of liquor, reached the place and upon search of the field there is recovery/seizure of altogether 53.550 liter foreign liquor. This led to the F.I.R.

4. Learned counsel for the petitioner submits that a



perusal of the F.I.R. would show that the recovery is from an open place and not from his conscious possession. Further, he do not have criminal antecedent and if granted relief shall be diligently appearing in trial.

5. Learned APP opposes the prayer submitting that the Police got the information whereafter the raid took place.

6. Taking into account the submissions of the parties as also that the recovery/seizure is from an open place not from the conscious possession of the petitioner, he do not have criminal antecedent and an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise Curt No.1, East Champaran at Motihari, in connection with Muffasil P.S. Case No. 444 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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