

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71834 of 2025

Arising Out of PS. Case No.-147 Year-2025 Thana- Nawalpur District- West Champaran

Dukhi Mukhiya S/o- Jawahir Mukhiya R/v- Khalwa Tola, Piparahiya Ps-
Nawalpur Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raki Alam, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 15-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Nawalpur P.S. Case No. 147 of 2025 dated 31.08.2025,
instituted for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. The allegation is of recovery of 13.680 litres
foreign liquor from the vacant land and 10 litres country made
liquor from the hut of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that nothing has been recovered
either from the conscious possession or from the house of the
petitioner rather the alleged 13.680 litres liquor has been



recovered from vacant land and 10 litres illicit liquor has been recovered from the hut, which does not belong to the petitioner. It is next submitted that the petitioner has been made accused in this case only on the basis of disclosure made by the local Chowkidar. Lastly, it has been submitted that petitioner has two criminal cases against him out of which, one case is of similar nature.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Nawalpur P.S. Case No. 147 of 2025, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court- II, Bettiah, West Champaran, subject to condition as laid down under Section 482(2) of the B.N.S.S as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

5. The petitioner within two weeks of his release from custody shall appear before the S.H.O. of his local area alongwith a copy of this order and shall appear every fortnightly to mark his attendance till the framing of charge in this case.

(Khatim Reza, J)

Sankalp/-

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