

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.87460 of 2024**

Arising Out of PS. Case No.-421 Year-2024 Thana- DUMRA District- Sitamarhi

1. Rudhan Mukhiya S/O Late Ram Briksha Mukhiya R/O village - Shivhar ward no. -11, P.S. -Dumra, Dist. - Sitamarhi
2. Pramod Mukhiya S/O Rudhan Mukhiya R/O village - Shivhar ward no. -11, P.S. -Dumra, Dist. - Sitamarhi
3. Goliya Devi @ Gotiya Devi W/O Rudhan Mukhiya R/O village - Shivhar ward no. -11, P.S. -Dumra, Dist. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      08-05-2025                      Heard Mr. Virendra Kumar, learned counsel for the petitioners and Mrs. Veena Kumari Jaiswal, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Dumra P.S. Case No. 421 of 2024, F.I.R dated 15.09.2024 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 2.00 liters of country made wine.

4. Learned counsel for the petitioners submits that the petitioner no. 3 has clean antecedents and petitioner nos. 1 & 2 carries one case other than the present one and they are on bail



in the pending matter. He further submits that the allegation as alleged in the F.I.R is false and fabricated. He further submits that it appears from the F.I.R that 2.00 litres of country made liquor was recovered from the door of the petitioners. He further submits that nothing has been recovered from the conscious possession of the petitioners and the petitioners have been made accused in the present case merely on the basis of the suspicion and except the suspicion, no cogent material has been come during investigation, which suggests the involvement of the petitioners in the present occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioners referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable and submits that the petitioner nos. 1 and 2 carry one case other than the present one but fairly submits that the petitioners are on bail in the pending matter and petitioner no. 3 has clean antecedent.

6. This court is aware of the decision of the Full Bench in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019(2) P.L.J.R. 1089**. Having regard to the law laid down in the aforesaid judgment and the submission advanced on



behalf of the parties, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of counsel for the petitioners.

7. Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioners and the name of the petitioners have been transpired only on the basis of suspicion, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-I, Sitamarhi, in connection with Dumra P.S. Case No. 421 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

Jyoti Kumari/-

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