

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85147 of 2024

Arising Out of PS. Case No.-401 Year-2024 Thana- RAJNAGAR District- Madhubani

1. Raj Kumar Mukhiya @ Ram Kumar S/O Utim Mukhiya Village- Chakdah P.S.- Rajnagar District- Madhubani
2. Yasoda Devi W/O Utim Lal Makhiya Village- Chakdah P.S.- Rajnagar District- Madhubani
3. Utim Lal Mukhiya S/O Made Mukhiya @ Bhadai Mukhiya Village- Chakdah P.S.- Rajnagar District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagandeo Yadav, Advocate
	:	Mr.Rajesh Kumar, Advocate
For the Opposite Party/s	:	Ms.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 08-01-2025 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Rajnagar PS case no. 401 of 2024, disclosing offences punishable under Sections 274, 275, 3(5) of B.N.S. Act and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.
3. The prosecution story, as per the First Information report, is that on 17.10.2024, upon information that petitioner no. 3 has stored huge quantity of liquor, police proceeded towards the place of occurrence and upon seeing the police



party, three persons fled away. The police recovered 26.300 liters of Nepali saufi wine from bushes situated in front of the house of petitioner no. 3. The petitioners were identified by the co-villagers.

4. Learned Counsel for the petitioners submits that petitioners are having no criminal antecedent and they have falsely been implicated in this case on the basis of secret information and being identified by the local people. He further submits that the illicit liquor has not been recovered from the conscious possession of the petitioners and/ or from the premises belonging to them but the same has been recovered from bushes situated in front of the house of petitioner no. 3, which may be accessible to all and sundry.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioners are having no criminal antecedent and illicit liquor has been recovered from an open space, accessible to all, and not from the conscious possession and/ or the premises belonging to the petitioners, I am inclined to grant the privilege of anticipatory bail to the petitioners.

6. This application is, accordingly, allowed.

7. Let petitioners, abovenamed, in the event of his



arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge (Excise Act), Madhubani in connection with Rajnagar PS case no. 401 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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