

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83122 of 2025

Arising Out of PS. Case No.-287 Year-2025 Thana- BANJARIA District- East Champaran

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Siyaram Mukhiya @ Shiyaram Mukhiya S/O Raghunandan Mukhiya @
Raghunand Mukhiya R/O Village- Khairi Ghat, P.S- Banjariya, Distt.- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv
Mr. Harsha Shashwat, Adv
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 28-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Banjariya P.S. Case No. 287 of 2025, instituted for the offences
punishable under Sections 274, 275 of B.N.S. and Sections
30(a), 41 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 45 liters of
country made liquor was recovered from bank of river.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got



no concern with the alleged recovery of liquor. Learned counsel for the petitioner submits that the recovery is made from an open place, which is accessible to one and all. It is also submitted that petitioner's name has transpired on the basis of confessional statement of apprehended co-accused namely Gagan Mukhiya and Binda Mukhiya. The petitioner is in custody since 04.09.2025 and has got three criminal antecedents. Learned counsel for the petitioner further submits that other co-accused has been granted bail by this Court vide order dated 14.08.2025 passed in Cr. Misc. No. 53958 of 2025. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Banjariya P.S. Case No. 287 of 2025, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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