

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.82052 of 2025**

Arising Out of PS. Case No.-184 Year-2025 Thana- ARER District- Madhubani

1. Vishun Mukhiya Son of Musahar Mukhiya Resident of village - Kushamaul, P.S.- Arer, District - Madhubani.
2. Devu Mukhiya Son of Late Kailu Mukhiya Resident of village - Kushamaul, P.S.- Arer, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      23-12-2025                      1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 274, 275, 3(5) of the BNS, 2023 and Section 30(a) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioners have antecedent of one case under the Excise Act and allegation is of recovery of 41.250 litres of liquor from the asbestos house of petitioner no.1 and 21.750 from the asbestos house of petitioner no.2. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered



from their conscious possession and the house in question is a joint family property as such it cannot be alleged with certainty that it were petitioners, who had kept the liquor in the house or the liquor kept in the house was within their knowledge and they came to be implicated based on secret information which is the easiest way to implicate someone. It is next submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically without holding a proper investigation either through chowkidar, local person, confessional statement or secret information.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.5000/- (Rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Arer P.S. Case No.184/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.



6. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioners have antecedent more than one case, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if after verification it is found that petitioners have antecedent of one case, in that event the provisional anticipatory bail order shall be confirmed forthwith.

**(Satyavrat Verma, J)**

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