

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83992 of 2025

Arising Out of PS. Case No.-370 Year-2025 Thana- ALOULI District- Khagaria

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Amarjeet Mukhiya S/o Nand Kishor Mukhiya, Resident of Village -
Phultaure, P.S. - Alauli, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate

For the State : Ms. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-12-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks anticipatory bail, apprehending his arrest, in connection with Alauli P.S. Case No. 370 of 2025 dated 26.08.2025, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the allegation, two liter counter made liquor has been recovered from the house of the petitioner and co-accused/Prema Devi, who are husband and wife.

4. Learned counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner has nothing to do with the alleged offence and no recovery has been made from his



personal possession.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. I find that *prima facie* case is made out against the petitioner under the Excise Act. However, seeing the minuscule quantity of the illicit liquor found in his house, it would be travesty of justice to curtail his liberty.

9. Hence, invoking the writ jurisdiction, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Alauli P.S. Case No. 370 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following



conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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