

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84835 of 2025

Arising Out of PS. Case No.-160 Year-2025 Thana- BHAPTIAHI District- Supaul

Raj Kumar Mukhiya Son of Phudan Mukhiya R/o Village - Gopalgadhi, Ward
no. 4, P.S. - Bhatiyahi, Dist. - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha

For the Opposite Party/s : Mr. Md. Aslam Ansari

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 19-12-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. Perusal of the first information report and the
seizure list, would go to show that 648 liters of Nepali liquor is
said to have been recovered from the bushes.

4. It is submitted by learned counsel for the
petitioner that there is no recovery from the physical and
conscious possession of the petitioner. As a matter of fact, the
name of the petitioner has surfaced in the present case upon
confidential information given to the police. It is submitted that
the place of recovery is an open place and easily accessible to
anyone. It is further submitted that the mandatory provisions of



search and seizure have been violated as there is no independent witness to the seizure list. Further, the petitioner has no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail.

6. Taking into consideration the fact and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bhaptiyahi P.S. Case No. 160 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

(Soni Shrivastava, J)

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