

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3611 of 2026

Arising Out of PS. Case No.-204 Year-2025 Thana- Nawalpur District- West Champaran

1. Mukesh Mukhiya S/O Mangani Mukhiya Resident of Village- Nawalpur, P.S.- Nawalpur, District- West Champaran
2. Ramfal Mukhiya S/O Sukai Mukhiya Resident of Village- Nawalpur, P.S.- Nawalpur, District- West Champaran
3. Niranjana Mukhiya S/O Sharma Mukhiya Resident of Village- Nawalpur, P.S.- Nawalpur, District- West Champaran
4. Shiv Mukhiya S/O Chhathu Mukhiya Resident of Village- Nawalpur, P.S.- Nawalpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niraj Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-01-2026 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 Section 30(a) of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioners no. 1, 2 and 3 are persons with clean antecedent and petitioner no. 4 has antecedent of one case and allegation is of recovery of 129.600 litres of liquor from a sugarcane field.

4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was



recovered from their conscious possession and even the alleged recovery is from a field which does not belong to the petitioners. It is further submitted that petitioners came to be implicated based on the confessional statement of Ravindra Mukhiya in police custody which does not have any evidentiary value in the eye of law.

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

6. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.5,000/- (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 Nawalpur P.S. Case No. 204 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

7. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the petitioners and if it is found that petitioners no. 1, 2 and 3 have antecedent of



even one case and petitioner no. 4 has antecedent of more than one case, it would be presumed that petitioners had concealed their antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioners no. 1, 2 and 3 are persons with clean antecedent and petitioner no. 4 has antecedent of only one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, learned counsel for the petitioners based on instruction submits that petitioners undertake to deposit an amount of Rs.3,000/- with the Advocate Association of the Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

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