

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6765 of 2026

Arising Out of PS. Case No.-112 Year-2025 Thana- Excise Benipatti District- Madhubani

1. Lalu Mukhiya S/o- Ram Khelvan Mukhiya Village- Lohiya Chowk PS-Benipatti District- Madhubani
2. Raman Mukhiya @ Raman Kumar S/o- Lalu Mukhiya Village- Lohiya Chowk PS-Benipatti District- Madhubani
3. Rahul Mukhiya @ Rahul Kumar S/o- Indal Mukhiya Village- Lohiya Chowk PS-Benipatti District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash

For the Opposite Party/s : Ms. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 04-02-2026 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 Bihar Prohibition and Excise Act.
3. Learned counsel for the petitioners submits that petitioner no.1 and 2 have antecedent of two cases under the Excise Act and petitioner no.3 has antecedent of one case under the Excise Act and allegation is of recovery of 19.275 litres of liquor from a place near Piluahi Pokhar. It is next submitted that petitioners were not arrested from the spot as such nothing



was recovered from their conscious possession and even alleged recovery is from a place which does not belong to the petitioners and is accessible to villagers at large and they came to be implicated based on secret information which is the easiest way to implicate someone without holding a proper investigation. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either through chowkidar, local person, confessional statement or secret information without holding a proper investigation.

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.10,000/- (Rupees ten 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 Benipatti Excise P.S. Case No.112/2025, 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 petitioner no.1 and 2 have antecedent of more than two cases and petitioner no.3 has antecedent of 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 with but if after verification it is found that petitioner no.1 and 2 have antecedent of two cases and petitioner no.3 has antecedent of one case, in that event the provisional anticipatory bail order shall be confirmed forthwith.

7. At this stage, the learned counsel for the petitioners, based on instruction, undertakes to deposit an amount of Rs.5000/- with Advocates' Association, Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

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