

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7123 of 2026

Arising Out of PS. Case No.-8 Year-2022 Thana- SANGRAMPUR District- East Champaran

GANESH MUKHIYA @ GANESH BIN S/o- Bhajan Mukhiya @ Bhajan
Mukhiya R/v- Koirgawa Bintoli Ps- Sangrampur Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Kumar Tiwari

For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-02-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 30(a),
30(b), 30(c), 32 and 41(1) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of two cases under the Excise Act and
allegation is of recovery of 40 litres of liquor from village
Koirgawa Bintoli along with 3300 litres of semi-manufactured
liquor solution, which was destroyed and 5 breweries were also
seized.

4. Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and even the alleged



recovery is from a place which does not belong to the petitioner and he came to be implicated based on the fact that he is owner of the seized breweries, but then it is submitted that petitioner is not owner of any of the seized breweries. It is further submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of Chowkidar, local person, confessional statement or secret information without holding a proper investigation.

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

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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. 10,000/- (Rupees Ten Thousand) 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 Sangrampur P.S. Case No. 8 of 2022 subject to the conditions as laid down under Section 482(2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than two



cases then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner has antecedent of two cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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