

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9070 of 2026

Arising Out of PS. Case No.-572 Year-2025 Thana- DHAKA District- East Champaran

1. Rakesh Mukhiya Son of Bhagirath Mukhiya Resident of Village - Badharwa Siwan, P.S. -Dhaka, District - East Champaran.
2. Deepak Mukhiya Son of Late Dhodai Mukhiya Resident of Village - Badharwa Siwan, P.S. -Dhaka, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 30-03-2026 1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 30(a) of the Excise Act.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the allegation is of recovery of 15 litres of liquor from house of the petitioner apart from other recoveries as alleged in the FIR.

4. It is further submitted that Rakesh Mukhiya, petitioner no.1 was arrested earlier, as such, the anticipatory bail application on his behalf was withdrawn by order dated



17.02.2026.

5. The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and even the house in question is a joint family property and thus, it cannot be alleged with certainty that it was the petitioner, who had kept the liquor in the house or the liquor kept in the house was within his knowledge and after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with and he came to be implicated based on secret information, which is the easiest way to implicate someone without holding a proper investigation.

6. Learned A.P.P. opposes the anticipatory bail application.

7. 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 Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) 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



Dhaka P. S. Case No.572 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

9. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioners are persons with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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