

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12002 of 2026**

Arising Out of PS. Case No.-203 Year-2025 Thana- BHAPTIAHI District- Supaul

Mahendra Mukhiya S/o Kant Lal Mukhiya R/o Village- Simri Ward No.02,  
P.S- Bhaptiyahi (Bhaptai Sarai), Dist- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Verma, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      24-02-2026                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. Petitioner apprehends his arrest in a case registered  
for the offence punishable under Section 30(a) of Bihar  
Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that  
petitioner has antecedent of one case under the Excise Act and  
allegation is of recovery of 324 litres of liquor from a car. It is  
next submitted that petitioner was not arrested from the spot, as  
such, nothing was recovered from his conscious possession and  
is not the owner of the seized vehicle and he came to be  
implicated at the instance of local person but then it is 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.

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

5. 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-bond in the sum of Rs.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court/Judge-I, Supaul in connection with Bhaptiyahi P.S. Case No.203 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.

7. It is made clear that the learned trial Court after accepting the provisional bail bond of the petitioner shall verify the criminal antecedent of the petitioner and in the event heard learned counsel for the petitioner and learned APP for the State, if it is found that petitioner has antecedent of more than one case, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his



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 petitioner has antecedent of only one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

*Sanjay/-*

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