

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14875 of 2026

Arising Out of PS. Case No.-528 Year-2025 Thana- KESARIA District- East Champaran

1. Lalbabu Mukhiya @ Lalbabu@ Lla Babu Makhiy S/o Dawarika Mukhiya Resident of Village- Bankat Mafi, P.S.- Kesariya, District- East Champaran, Bihar- 845424
2. Sanjay Mukhiya S/o Dwarika Mukhiya Resident of Village- Bankat Mafi, Bankatwa, P.S.- Kesariya, District- East Champaran, Bihar- 845424

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-03-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners apprehend their arrest in a case registered for the offences punishable under Sections 274 and 275 of B.N.S., 2023 as well as Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of one case under the Excise Act and petitioner no.2 is a person with clean antecedent and allegation is of recovery of 325 litres of liquor along with 4000 litres of Mahua Paas from a kiln near bank of Sumauti river. 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 they came to be implicated at the instance of Chowkidar with whom they are on inimical term. It is also submitted that if Chowkidar was aware of the involvement of the petitioners in the occurrence they why he did not inform the police prior to institution of the instant FIR, which casts an aspersion on the case of the prosecution. It is also 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. It is next submitted that it appears that the Chowkidar in order to save the real culprit falsely implicated the petitioners.

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

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, are directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two



sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.3, East Champaran at Motihari in connection with Kesariya P.S. Case No.528 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 bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedent of more than one case and petitioner no.2 has 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 petitioner no.1 has antecedent of only one case and petitioner no.2 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

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