

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11132 of 2026

Arising Out of PS. Case No.-478 Year-2025 Thana- SURSAND District- Sitamarhi

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Nepali Mukhiya Son of Ramashray Mukhiya R/V- Sursand Ward No. 11, P.S,-
Sursand, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Sursand P.S. Case No. 478 of 2025 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, a raid was conducted and 315 liters of Nepali liquor was recovered from the bushes behind the house of the petitioner.



Learned counsel for the petitioner submits that admittedly the recovery is said to be from behind the house of the petitioner from the bushes which is an open space accessible by all. It has further been submitted that no recovery has been made either from the conscious possession of the petitioner or from his house and only because the petitioner has one criminal antecedent of similar nature, he has been implicated in this case.

Learned APP appearing on behalf of the State has vehemently opposed the prayer for anticipatory bail.

Considering the facts aforesaid, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Exclusive Special Excise Court-II, Sitamarhi in connection with Sursand P.S. Case No. 478 of 2025, subject to the conditions as laid down under Section 482 of the BNSS and subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner;



(ii) the petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court;

(iii) in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will liable to be cancelled by the Court concerned;

(iv) the Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on in the name of verification.

(v) the Court below shall verify the criminal antecedent of the petitioners except in the case mentioned in para-3 of the petition, registered for the offence under Section 30A of the Bihar Prohibition and Excise Act and, in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for the purpose of the same or in the name of



verification.

It is made clear that the observations, if any, made in
this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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