

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11510 of 2026**

Arising Out of PS. Case No.-286 Year-2024 Thana- SANGRAMPUR District- East  
Champaran

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1. Upendra Mukhiya Son of Ganesh Mukhiya @ Ganesh Bin Resident of Village- Koirgawa Bin Toli, P.S.- Sangrampur, District- East Champaran
  2. Prabhu Mukhiya Son of Ganesh Mukhiya @ Ganesh Bin Resident of Village- Koirgawa Bin Toli, P.S.- Sangrampur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Suraj Kumar Tiwari, Adv.  
For the Opposite Party/s : Ms.Renu Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR**  
**ORAL ORDER**

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

2. The petitioners are apprehending their arrest in connection with Sangrampur P.S. Case No. 286 of 2024 dated 02.11.2024 registered for the offence punishable under Sections 281, 125(a) of the Bhartiya Nyaya Sanhita, 2023 and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. As per prosecution case, the police has recovered total 15 liters illicit country-made liquor from a motorcycle bearing Regd. No. BR22AC-6360.

4. Learned counsel for the petitioners submits that the



recovery is shown to have been made from the motorcycle which does not belong to the petitioners and the names of the petitioners has transpired in this case on the basis of the statement made by the co-accused Awadh Kishore Mukhiya. It is next submitted that while the petitioners are in no way connected with the seized article, the alleged vehicle does belong to the petitioners.

5. Counsel for the petitioners fairly submits that the petitioner no.1 has four antecedents out of which three are akin to the Excise Act whereas petitioner no.2 has three antecedents identical to the instant case.

6. Without accepting the guilt, learned counsel for the petitioners proposes to deposit Rs.10,000/- (Rupees Ten Thousand) each in the welfare account of the Lawyers Association of the Patna High Court.

7. On the other hand, the learned APP for the State has opposed the prayer for bail of the petitioners.

8. Having heard learned counsel for the parties and considering the fact that nothing has been recovered from the conscious possession of the petitioners as also the fact that the alleged motorcycle does not belong to the petitioners, this Court is inclined to grant privilege of anticipatory bail to the



petitioners.

9. Let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.1, East Champaran, Motihari in connection with Sangrampur P.S. Case No. 286 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S. and on production of the receipt showing deposit of Rs.10,000/- as proposed on behalf of the petitioners.

(Ajit Kumar, J)

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