

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11313 of 2026

Arising Out of PS. Case No.-506 Year-2025 Thana- BANJARIA District- East Champaran

Nagina Mukhiya S/O Raghujnath Mukhiya @ Raghunath Mukhiya R/O
Village- Rohiniya, P.S- Banjariya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Nityanand Tiwary, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 13-02-2026 Heard learned counsel for the petitioner and Mr.
Nityanand Tiwary, learned APP for the State.

2. The petitioner seeks bail in connection with Banjariya P.S. Case No. 506 of 2025, instituted for the offences punishable under Section 274 and 275 of the Bharatiya Nyaya Sanhita, 2023 and u/s 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 350 litres of country made liquor was recovered from the bank of Tilawe river.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner was not arrested on the spot. The name of the petitioner has been disclosed by the apprehended



person. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. Learned counsel for the petitioner further submitted that the recovery has been made from open place, which is accessible to public at large. Learned counsel for the petitioner further submits that other co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 12.01.2026 passed in Cr. Misc. No. 91279 of 2025. The petitioner is in custody since 24.12.2025 and has got three criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Banjariya P.S. Case No. 506 of 2025, subject to the following conditions:

(I) One of the bailors shall be the petitioner's own or



close member.

(II) The petitioner shall appear on each and every date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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