

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12709 of 2026

Arising Out of PS. Case No.-569 Year-2025 Thana- PIPRA District- East Champaran

1. Raja Kumar Son of Gobari Mukhiya Resident of Village- Kuarpur Bintoli, P.S.- Pipra, District- East Champaran
2. Pratima Devi Wife of Gobari Mukhiya Resident of Village- Kuarpur Bintoli, P.S.- Pipra, District- East Champaran
3. Umesh Mukhiya Son of Jamun Mukhiya Resident of Village- Kuarpur Bintoli, P.S.- Pipra, District- East Champaran
4. Mukesh Mukhiya Son of Safela Mukhiya Resident of Village- Kuarpur Bintoli, P.S.- Pipra, District- East Champaran
5. Nawal Mukhiya Son of Gobari Mukhiya Resident of Village- Kuarpur Bintoli, P.S.- Pipra, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar
For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 09-03-2026 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 30(a) and 41(1) of the Excise Act.
3. The learned counsel for the petitioners submits that the petitioner nos.1 to 4 are persons with clean antecedent and petitioner no.5 has antecedent of one case under the Excise Act and petitioner no.2 is a woman and allegation is of recovery of



295 litres of liquor is alleged to have been recovered from the place of occurrence.

4. The learned counsel for the petitioners submits 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 based on confessional statement of apprehended accused in police custody, which does not have any evidentiary value. It after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with.

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

6. 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, is 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 the learned Trial Court where the case is pending/ successor Court in connection with Pipra P. S. Case No.569 of 2025, subject to the



conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. 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 nos.1 to 4 have antecedent of even one case and petitioner no.5 has antecedent of more than 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 nos.1 to 4 are persons with clean antecedent and petitioner no.5 has antecedent of one case only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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