

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12308 of 2026

Arising Out of PS. Case No.-2048 Year-2023 Thana- Excise P.S. District- East Champaran

Amirka Mukhiya @ Amerika Mukhiya S/o- Bhaju Mukhiya @ Rambhaju
Mukhiya R/v- Hashuaha Ps- Muffasil Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha.1, APP

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

ORAL ORDER

2 23-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Excise
P.S. Case No. 2048 of 2023, instituted for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. Earlier vide order dated 08.01.2025 passed in Cr.
Misc. 88032 of 2024, anticipatory bail was granted to the
petitioner by a Co-ordinate Bench of this court with a direction
to verify the criminal antecedent of the petitioner. Further, it
appears that the learned Court below, after verification, has
found that petitioner bears eight criminal antecedents,
accordingly, the bail bonds of the petitioner was not accepted.



4. The prosecution case, in short, is that 70 liters liquor was recovered from an open place near the bank of river.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. 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 also submitted that the petitioner was not arrested on spot. The petitioner has been arrested only on the basis of suspicion. It is further submitted that the alleged recovery has been made from an open place and the same is easily accessible to the public at large. The petitioner is in custody since 18.12.2025 and has got eight criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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

7. 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.

8. 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 Excise P.S. Case No. 2048 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

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

(III) The petitioner will not tamper with the evidence or the witnesses during the trial.

(IV) Petitioner shall not commit offence of similar nature in future.

If any of the above conditions are violated, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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