

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15138 of 2026

Arising Out of PS. Case No.-826 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

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Vinay Kumar S/o Rajdeo Mukhiya @ Rajdev Mukhiya R/o Village -
Harkaina, P.S - Muffasil, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-03-2026 Heard Mr. Abhishek Kumar, learned counsel for the

petitioner and Mr. Tarkeshwar Nath Thakur, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
14.01.2026 in connection with Muffasil P.S. Case No. 826 of
2025, F.I.R. dated 30.12.2025 for the offences punishable under
Sections 30(a) and 41 of the Bihar Prohibition and Excise Act.

3. Recovery is of 250 liters of country made liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
as well as seizure list that nothing has been recovered from the
conscious possession of the petitioner rather the recovery has



been made from the Sharab Bhatti situated near Bamboo Orchard. He further submits that the petitioner was not apprehended from the place of occurrence and his name has been transpired during investigation on the basis of the disclosure made by the local *chowkidar* and except the aforesaid, no other material has come during investigation which suggest the involvement of the petitioner in the present occurrence. The petitioner is in custody since 14.01.2026.

5 Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two criminal antecedents other than the present one but fairly submits that he is on bail in both the pending matters.

6. Considering the aforesaid facts and circumstances that the name of the petitioner has been transpired on the basis of disclosure made by the local *chowkidar*, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.-01, Civil Court, East Champaran at Motihari in connection with Muffasil P.S. Case No. 826 of 2025, subject to the following conditions:-



i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that 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 bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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