

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16934 of 2026

Arising Out of PS. Case No.-138 Year-2025 Thana- Sonki District- Darbhanga

DINESH MUKHIYA S/o Tetar Mukhiya Resident of Village- Mekana, Police
Station- Sonki, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 25-03-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Sonki (Sonaki) P.S. Case No. 138 of 2025, registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2022.

3. On a secret information, the police party raided the orchard of Nagendra Sah and recovered 77.250 litres of foreign liquor. Seeing the police party, the petitioner fled away.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated. Nothing has been recovered from his conscious physical possession. The name of the petitioner was disclosed by the *chowkidar*, who has enmity with the petitioner.



5. On the other hand, the learned APP for the State has opposed the prayer for bail.

6. Although there are five criminal antecedents against the petitioner, as disclosed in paragraph-3 of the application, learned counsel for the petitioner submits that in all these cases, the petitioner is on bail. Despite the presence of criminal antecedents, it is evident that the petitioner was not apprehended on the spot and therefore no recovery has been made from his conscious physical possession and further given the fact that the search and seizure memo is not signed by two independent witnesses which puts a question mark on the validity and legality of the seizure itself, I am inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, as named above, in the event of his arrest or surrender within four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-I, (Excise Ac), Darbhanga in connection with Sonki (Sonaki) P.S. Case No. 138 of 2025, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and subject to further condition



that :-

(i) The petitioner shall co-operate in the investigation/
trial.

(ii) The learned Court below would, however, verify
the criminal antecedent of the petitioner and in case 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, it is expected that the verification process
would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

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