

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21904 of 2026

Arising Out of PS. Case No.-466 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

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Prem Mukhiya Son of Jamun Mukhiya Resident of Village- Hasnaha, 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. Kumar Vikram, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 08-04-2026 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner is apprehending arrest in connection
with Muffasil P.S. Case No. 466 of 2025, dated 19.07.2025,
lodged under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. As per the prosecution, total recovery of 60 litres of
illicit liquor has been made, which is the subject matter of the
present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
further submits that the petitioner has no concern with the
alleged recovery. Counsel further submits that the petitioner has



been implicated in this case merely on the basis of the statement of the Chowkidar. It is further submitted that the criminal antecedent of the petitioner is clean in terms of the Excise Act. However, there is one criminal case pending against him, but that case was lodged under the Indian Penal Code and not under the Excise Act, in which he has been acquitted, and a slip of acquittal has been produced before the Court.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. In the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Special Judge Excise Court No. 1, East Champaran at Motihari, in connection with Muffasil P.S. Case No. 466 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

7. It is further directed that the Trial Court shall verify the criminal antecedent of the petitioner, and in case it is found at any stage that the petitioner has concealed his criminal antecedent, the Trial Court shall take steps for cancellation of



the petitioner’s bail bond. However, the acceptance of the bail bond in terms of the above-mentioned order shall not be delayed for the purpose of or in the name of verification.

(Dr. Anshuman, J.)

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