

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20881 of 2026**

Arising Out of PS. Case No.-413 Year-2025 Thana- CHIRAIYA District- East Champaran

BINOD MUKHIYA Son of Bhikhari Mukhiya Resident of village -  
Hansuaaha, P.S.- Muffasil, Motihari, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the State : Mr. Pradeep Narain Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      08-04-2026

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Chiraiya P.S. Case No. 413 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 24.09.2025 by the informant, Gautam Kumar.

3. As per the prosecution story, the Police on secret informant raided near the river and found some persons manufacturing wine, they managed to escape but the locals gave the name, petitioner being one of them. Recover/seizure is/are of 90 liter country made liquor and 2000 liter semi developed wine which was destroyed. This led to the FIR.

4. Learned counsel for the petitioner submits that admittedly, the recovery/seizure is from an open place not from



his conscious possession and only because of criminal antecedent, got implicated

5. Further, learned counsel for the petitioner relied on the judgment of the Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019 (2) PLJR 1089** wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

6. Learned APP opposes the prayer submitting that he has criminal antecedent.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that nothing has been recovered from his conscious possession as recorded above, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/-



(Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Court No.1, East Champaran in connection with Chiraiya P.S. Case No. 413 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

**(Rajiv Roy, J)**

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