

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22399 of 2026

Arising Out of PS. Case No.-370 Year-2025 Thana- LAKHAURA District- East Champaran

Harendra Mukhiya S/o- Janak Mukhiya Resident of village- Pakariya Tola
Rampur P.S.- Darpa District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Ms.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-04-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 31.01.2026 in connection with Lakhaura P.S. Case No. 370 of 2025 for the offences punishable under Sections 30(a), 32, 41(1) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The prosecution case, in brief, is that on 31.12.2025 the Informant, namely, Kedar Yadav, P.S.I. Lakhaura P.S. gave written information to S.H.O., Lakhaura P.S. alleging inter alia that on the alleged date of occurrence i.e. on 31.12.2025 at about 06:10 hours, the informant along with his associates proceeded from police station for patrolling and during course thereof the informant received information that Harendra Mukhiya (petitioner) stored illicit liquor at the bank of



Dudhaura River at Jhitkahiya Sareh and was ready to transport the same to some other place. It has further been alleged that the informant gave information to Higher Officer and for verification and taking necessary action, arrived at the place of occurrence, where seeing the police team, a person managed to run away from there, after taking the advantage of bush. It has further been alleged that on search of bush total 120 liters country made liquor was recovered. The spy disclosed the name of the fleeing person as Harendra Mukhiya (Petitioner).

4. Learned counsel for the petitioner submits that it appears from the FIR and seizure list that nothing has been recovered from the conscious possession of the petitioner and altogether 120 liters of country made liquor was recovered from the bank of Dudhaura river at Jhitkahiya Sareh and petitioner was not present at the place of occurrence and name of the petitioner has transpired based on suspicion and except suspicion, no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and nothing has been recovered from the possession of the petitioner. It is next submitted that petitioner is in custody since 31.01.2026.

5. The learned Additional Public Prosecutor for the



State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has antecedent of two cases other than the present case but fairly submits that petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances , 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. 1, East Champaran, Motihari in connection with Lakhaura P.S. Case No. 370 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 canceled 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)

Gaurav Sinha/-

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