

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25246 of 2026

Arising Out of PS. Case No.-28 Year-2026 Thana- CHANPATIA District- West Champaran

Chula Mukhiya @ Ramesh Kumar Son of Madhur Mukhiya @ Madho Mukhiya @ Madhui Mukhiya R/O Vill.- Basantpur, P.S.- Sathi, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-04-2026 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 274 and 275 of the BNS, 2023 as well as Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and allegation is of recovery of 84 litres of liquor from a place near Sikrahana River along with 9000 litres of semi prepared liquor which was destroyed at the spot.

4. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and even the alleged



recovery is from a place which does not belong to the petitioner and is accessible to villagers at large. It is further submitted that petitioner came to be implicated at the instance of the Chawkidar with whom he is on an inimical term. It is next submitted that if the Chawkidar was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution. It is also submitted that in majority of the cases the police implicate at the instance of the Chawkidar, local person confessional statement or secret information without holding a proper investigation of the case. It is reiterated and submitted that petitioner is a person with clean antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, let the petitioner, above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is



pending/Successor Court in connection with Chanpatia P.S.
Case No. 28 of 2026, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

7. However, it is made clear that thereafter the learned
Trial Court shall verify the criminal antecedent of the petitioner
and if it is found that petitioner has antecedent of even one case,
it would be presumed that petitioner had concealed his
antecedent before this Court at para 3 of the anticipatory bail
application in that event the provisional anticipatory bail order
shall not be confirmed but if it is found on verification that
petitioner is a person with clean antecedent in that event the
provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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