

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26975 of 2026

Arising Out of PS. Case No.-263 Year-2024 Thana- SANGRAMPUR District- East
Champaran

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Beer Bahadur Mukhiya @ Birabahadur Mukhiya S/O Baldev Mukhiya
Resident of village- Koirgawan Bintoli (Koirgava), P.S.- Sangrampur,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-04-2026 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection
with Sangrampur P.S. Case No. 263 of 2024 lodged on
20.10.2024, for the offence punishable under Section 30(a) of
the Bihar Prohibition and Excise (Amendment) Act, 2022,
pending in the Court of Exclusive Special Excise Court No.1,
East Champaran at Motihari.

3. As per the prosecution, FIR has been lodged against
the sole petitioner. Total recovery of 10 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 submits that nothing has been recovered from the conscious possession of the petitioner and the said recovery has been made from a motorcycle. Counsel submits that the petitioner has no concern with the said motorcycle and his name has come in this case on the basis of disclosure made by local people. Counsel further submits that the criminal antecedent of the petitioner is not clean as there are seven cases pending against him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there are seven cases pending against him and all the cases are registered under Excise Act and this aspect must be taken into consideration.

6. As such, in the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

7. However, if petitioner surrenders before the concerned Trial Court within a period of 4 weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day, without being prejudice that the anticipatory bail of the petitioner has been



rejected by this Court and the Trial Court shall pass order on the
merit of this case.

(Dr. Anshuman, J)

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