

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32785 of 2026

Arising Out of PS. Case No.-239 Year-2019 Thana- SANGRAMPUR District- East
Champaran

Indrajeet Mukhiya @ Indrajit Mukhiya @ Indrajit S/o- Lalbahadur Mukhiya
R/v- Koergawa Bi Toli Ps- Sangrampur Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-05-2026 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Section 414 of IPC and Sections 30(a), 35
and 38 of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of nineteen cases under the Excise Act and
allegation is of recovery of 55 litres of liquor from the house of 16
accused persons including the petitioner, out of which 9 litres of
liquor was recovered from the house of the petitioner and 3
motorcycles were seized.

4. Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and the house in question is
a joint family property as such it cannot be alleged with certainty that



it was petitioner who had kept the liquor in the house or the liquor kept in the house was within knowledge of the petitioner. It is next submitted that after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with and he came to be implicated based on secret information which is the easiest way to implicate someone without holding a proper investigation. It is further submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of Chowkidar, local person, confessional statement or secret information without holding a proper investigation. It is also submitted that petitioner is in custody since 9-1-2026.

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

6. Considering the submission made by learned counsel for the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 5,000/- (Rupees Five Thousand) 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 Sangrampur P.S. Case No. 239 of 2019.

(Satyavrat Verma, J)

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