

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35367 of 2026

Arising Out of PS. Case No.-12 Year-2025 Thana- SANGRAMPUR District- East
Champaran

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Raghubir Mukhia Son of Sheonath Mukhia @ Shiv Nath Mukhiya Resident
of Village- Sangrampur Bin Toli, 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. Sagar Kumar, Adv.
Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Ms. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-06-2026 Heard Mr. Sagar Kumar, learned Advocate for the

petitioner and learned Additional Public Prosecutor for the State

through virtual mode.

2. The petitioner apprehends his arrest in connection
with Sangrampur P.S. Case No. 12 of 2025, registered for the
offences punishable under Sections 30(a), 32, 41(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. Acting on a tip off regarding the manufacture and
trafficking of illicit liquor, the police conducted a raid at
Sangrampur Gandak Diyara. However, noticing the police party,
two persons succeeded in fleeing away and the petitioner has
been identified as one of them. On search, total 1000 litres of
raw wine and 40 litres of country made liquor was recovered.



Raw materials are said to have been destroyed by the police at the place of occurrence itself.

4. Learned Advocate for the petitioner taking this Court through the FIR and the search memo submitted that admittedly the alleged recovery has been made from Gandak Diyara, which is an open place easily accessible to all and, as such, the petitioner cannot be held responsible for the same. Moreover, during the course of investigation, no further material has been collected which suggests the complicity of the petitioner in the crime. It is lastly contended that there is no compliance of Sections 103 and 105 of the BNSS and since nothing incriminating has been recovered from the conscious or constructive possession of the petitioner, the rigors provided under Section 76 of the Bihar Prohibition and Excise (Amendment) Act is also not attracted.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

6. Having considered the submissions advanced on behalf of the respective parties and considering the fact that the alleged recovery has been made from an open place and there is no material attracting the rigors provided under Section 76(2) of the Bihar Prohibition and Excise (Amendment) Act as also the



fair antecedent of the petitioner, besides the deficiency brought to the knowledge of this Court in search and seizure, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No. 1, East Champaran, Motihari in connection with Sangrampur P.S. Case No. 12 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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