

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38296 of 2026

Arising Out of PS. Case No.-178 Year-2026 Thana- BAIRIYA District- West Champaran

Subhash Mukhiya S/o Late Nanak Mukhiya R/o Village - Baluwa Rampurwa,
Ward no. 17, P.S. - Bairiya, Dist. - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 17-06-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner apprehends arrest in connection with
Bairiya P.S. Case No. 178 of 2026 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. It is alleged that 5 liters of illicit country-made
liquor was recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that the
alleged recovery was made in the absence of the petitioner and
the petitioner has a clean antecedent.

5. Considering the fact that illicit liquor has been
recovered from the house of the petitioner, this Court is not
inclined to extend the privilege of anticipatory bail to the



petitioner.

6. Accordingly, the application for anticipatory bail stands dismissed.

7. However, the petitioner is granted liberty to surrender before the concerned Court within two weeks and seek regular bail.

8. In the event the petitioner surrenders and files an application for regular bail within the aforesaid period, the learned Special Judge shall consider, *inter alia*, the fact that only 5 liters of illicit country-made liquor is alleged to have been recovered from the petitioner's house and such recovery was effected in the absence of the petitioner and will thereafter pass an appropriate order in accordance with law.

(Sandeep Kumar, J)

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