

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43335 of 2026

Arising Out of PS. Case No.-456 Year-2025 Thana- PIPRA District- East Champaran

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Jiyalal Mukhiya @ Jiyalal Kumar @ Jiyalal Kumar Mukhiya S/O
Bhuneshwar Mukhiya R/O Vill.- Kuwarpur, Bintoli, P.S-Pipra, Dist- East
Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sumit Kumar Gupta

For the Opposite Party/s : Ms.Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 02-07-2026 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 Section 317(5) of
BNS and Sections 30(a) and 41(1) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and allegation is of
recovery of 9 litres of liquor from a motorcycle and 117 litres of
liquor from from a bush along with 5000 litres of mahua pass
which was destroyed.
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 even the alleged



recovery is from a place which does not belong to the petitioner and is accessible to public at large and he came to be implicated based on confessional statement of Ramayodhya in police custody which does not have any evidentiary value.

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 for the petitioner, 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 Pipra P.S. Case No. 456 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of even one case then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found 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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