

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44580 of 2026

Arising Out of PS. Case No.-176 Year-2026 Thana- PIPRA District- East Champaran

1. Rup Narayan Mukhiya @ Rup Narayan Son of Dukhan Mukhiya Resident of Village- Kuwarpur, Bintoli, P.S.- Pipra, District- East Champaran, Motihari.
2. Dhuruv Mukhiya Son of Dukan Mukhiya Resident of Village- Kuwarpur, Bintoli, P.S.- Pipra, District- East Champaran, Motihari.
3. Bhageshwar Mukhiya Son of Dukan Mukhiya Resident of Village- Kuwarpur, Bintoli, P.S.- Pipra, District- East Champaran, Motihari.
4. Jay Charan Mukhiya Son of Gujur Mukhiya Resident of Village- Kuwarpur, Bintoli, P.S.- Pipra, District- East Champaran, Motihari.
5. Budhan Mukhiya Son of Bindeshwar Mukhiya Resident of Village- Kuwarpur, Bintoli, P.S.- Pipra, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Kumar Gupta
For the Opposite Party/s : Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 08-07-2026 **1.** Heard learned counsel for the petitioners and learned A.P.P. for the State.
- 2.** The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a) and 41(1) of the Bihar Excise Act.
- 3.** Learned counsel for the petitioners submits that petitioner nos. 1 and 5 have antecedent of three cases out of which one case is under the Excise Act, petitioner no. 2 has antecedent of five cases out of which three cases are under the Excise Act, petitioner no. 3 has antecedent of four cases out of which two cases



are under the Excise Act and petitioner no. 4 has antecedent of four case under the Excise Act and allegation is of recovery of 56 litres of liquor from bush behind the house of petitioner no. 2.

4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and even the alleged recovery is from a place which does not belong to the petitioners but then is adjacent to the house of petitioner no. 2 and he came to be implicated at the instance of local people, but then the name of the person, who disclosed the name of the petitioners, is not disclosed in the FIR, which casts an aspersion on the case of the prosecution. 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.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on **provisional anticipatory bail** on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-five Thousand) each 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. 176 of 2026, 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 petitioners and in the event if it is found that petitioner nos. 1 and 5 have antecedent of more than three cases, petitioner no. 2 has antecedent of more than five cases, petitioner nos. 3 and 4 have antecedent of more than four cases then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed with respect to that petitioner who had concealed his criminal antecedent before this Court, but after verification if it is found that petitioner nos. 1 and 5 have antecedent of three cases, petitioner no. 2 has antecedent of five cases, petitioner nos. 3 and 4 have antecedent of four cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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