

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38715 of 2026

Arising Out of PS. Case No.-54 Year-2026 Thana- PRATAPGANJ District- Supaul

Kundan Mukhiya @ Kundan Kumar Mukhiya S/O Bechan Mukhiya R/O
Vill.- Piprahi, ward no 13, P.S.- Raghapur, Dist.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh
For the Opposite Party/s : Mr. Meena Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-06-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
08.03.2026 in connection with Pratapganj P.S. Case No. 54 of
2026 for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. The case of the prosecution in brief is that the
allegation is of recovery of 135 liters of country made liquor
from the rickshaw in question.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and is innocent and he has
falsely been implicated in the present case. It is further
submitted that the allegation as alleged in the FIR is forged and
fabricated and the petitioner has not committed any offence as



alleged in the FIR. It is next submitted that it appears from the FIR and seizure list that altogether 135 liters of country made liquor was recovered from the rickshaw in question. It is next submitted that petitioner has been made an accused in this case merely on the ground that petitioner is owner and driver of the rickshaw in question. It is also submitted that, in fact, the passenger has loaded the same and petitioner has no information whether the loaded article is illegal and the passenger has escaped from the place of occurrence. Learned counsel for the petitioner next submits that police after investigation has submitted charge-sheet and petitioner is in custody since 08.03.2026.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise Court II, Supaul in connection with Pratapganj P.S. Case No. 54 of 2026, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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