

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42796 of 2026

Arising Out of PS. Case No.-119 Year-2025 Thana- MADHWAPUR District- Madhubani

Dinesh Mukhiya @ Dinesh Kumar Mukhiya @ Dinesh Kumar S/O Kari
Mukhiya R/O Vill.- Basuki, Bihari, P.S- Madhwapur, District – Madhubani
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-07-2026 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 Sections 274, 275 and 3(5) of the
BNS as well as Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of four cases under the Excise Act and
allegation is of recovery of 99 litres of liquor from a Scorpio Vehicle
along with Rs.12,700/- and an iron knife and an iron chain. It is
further alleged that Rs.12,700/- was recovered from possession of
Vikash Kumar and the knife and iron chain were recovered from
possession of Md. Dilshad.

4. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is further submitted that



petitioner is not the owner of the seized vehicle and came to be implicated based on the confessional statement of apprehended accused in police custody which does not have any evidentiary value in the eye of law.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that apart from recovery of liquor, it is alleged that knife and iron chain were also recovered from possession of Md. Dilshad who disclosed the name of the petitioner. It is further submitted that petitioner has antecedent of four cases and it might be a possibility that if the privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond. It is next submitted that knife is a dangerous weapon.

6. Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Madhwapur P.S. Case No. 119 of 2025 pending in the Court of learned Exclusive Special Judge, Excise Court, Madhubani/Successor Court.

7. Hence, the prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

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