

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42904 of 2026

Arising Out of PS. Case No.-71 Year-2026 Thana- BAIRIYA District- West Champaran

Saheb Mukhiya, S/o Surendra Mukhiya @ Kapildeo Mukhiya, R/o Vill.-
Baira Parsauni, P.S.- Nautan, Distt.- West champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Niraj Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-07-2026 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Bairiya P.S. Case No.71 of 2026 registered under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 49.02 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for the petitioner that the seized illicit liquor was recovered near the *Samadhawa Canal*, which is an open place accessible to



the general public and, therefore, it cannot be said that the alleged recovery was made from the conscious possession of the petitioner. It is further submitted that seizure list also appears doubtful being not supported by independent witnesses rather than by police personnel. It is also pointed out that the name of the petitioner surfaced solely on the disclosure made by a local Chaukidar. The petitioner claimed clean antecedent.

5. Learned APP opposed the prayer of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking of note of fact as recovery of illicit liquor *prima facie* not appears to be made from physical possession of this petitioner, accordingly, the petitioner above-named, who is a man of clean antecedent in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise ,Court-1, Bettiah, West



Champaran in connection with Bairiya P.S. Case No.71 of
2026, subject to the conditions as laid down under Section
438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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