

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47218 of 2026

Arising Out of PS. Case No.-200 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Deepak Mukhiya S/O Lalan Mukhiya R/O Village- Hasuaha, P.S.- Muffasil, Distt.- East Champaran at Motihari.
 2. Sunil Mukhiya S/O Rambalak Mukhiya R/O Village- Hasuaha, P.S.- Muffasil, Distt.- East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Vikram

For the Opposite Party/s : Ms. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 15-07-2026 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 offence punishable under Section 30(b)(c) of Bihar Prohibition and Excise Amendment Act.
3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of two cases under the Excise Act and petitioner no.2 is a person with clean antecedent and allegation is of recovery of 1200 litres of semi manufactured liquor from a place near bank of Sikrahana river.
4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot as such nothing was



recovered from their conscious possession and even alleged recovery is from a place which does not belong to the petitioners and is accessible to villagers at large and they came to be implicated at the instance of chowkidar with whom they are on an inimical term. It is also submitted that if chowkidar was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution.

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.10,000/- (Rupees ten 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 Muffasil P.S. Case No.200/2022, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. It is made clear that thereafter the learned trial court



thereafter shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioner no.1 has antecedent of more than two cases and petitioner no.2 has antecedent of even one case, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with respect to those petitioners whose criminal antecedent does not tally but if after verification the criminal antecedent as recorded hereinabove tallies with the petitioners in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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