IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74214 of 2026

CNR No. BRHC011050552026

Arising Out of PS. Case No.-283 Year-2021 Thana- SANGRAMPUR District- East Champaran

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Bindu Mukhiya S/o- Late Lalbabu Mukhiya R/v- Koirigawa Ps- Sangrampur District- East Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Rajesh Kumar, Adv
For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 30-10-2026 **1.** Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 30(a), 30(c), 32 and 41(1) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the petitioner has antecedent of eighteen cases under the Excise Act and is in custody since 30.7.2026 and allegation is of recovery of 120 litres of liquor from house of 16 persons as detailed in the FIR along with 1900 litres of jawa mahua soluction which was destroyed including 8 litres of liquor from the house of petitioner and 150 litres jawa mahua solution.

4. Learned counsel for the petitioner submits that the

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petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and the house in question is a joint family property as such it cannot be alleged with certainty that it was petitioner who had kept the liquor in the house or the liquor kept in the house was within knowledge of the petitioner. It is next submitted that after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with and he came to be implicated at the instance of Chowkidar with whom he is on an inimical term but then it is submitted that it does not appear probable that Chowkidar would have known who had concealed the liquor in the house. 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 vehemently opposes the prayer for bail of the petitioner.

6. Considering the submission made by learned counsel for the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the

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satisfaction of the learned trial court where the case is pending/successor court in connection with Sangrampur P.S. Case No. 283 of 2021.

(Satyavrat Verma, J)

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