IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76515 of 2026

CNR No. BRHC011080122026

Arising Out of PS. Case No.-816 Year-2025 Thana- MOTIHARI MUFASIL District- East Champaran

==========

1. Sunil Mukhiya S/o Late Tufani Mukhiya Resident Of Village - Hasuaha, PS - Muffasil, District - East Champaran at Motihari
2. Munilal Mukhiya S/o Chirkut Mukhiya Resident Of Village - Hasuaha, PS - Muffasil, District - East Champaran at Motihari

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Kumar Vikram, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

==========

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 05-11-2026 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 offences punishable under Sections 30(a) and 41(1) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of one case under the Excise Act and petitioner no. 2 has antecedent of two cases under the Excise Act and allegation is of recovery of 1040 liters of liquor from a place near bank of a river along with 25000 liters of semi manufactured Mahua solution which was destroyed.

WEB COPY

4. Learned counsel for the petitioners submits that petitioners were not apprehended 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 petitioners 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 before the learned Trial Court within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 10000/- (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 Motihari Muffasil P.S. Case No. 816 of 2025 subject to the

WEB COPY

conditions as laid down under Section 482 (2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the event if it is found that any of the petitioner no. 1 has antecedent of more than one case and petitioner no. 2 has antecedent of more than two cases then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed with respect to the petitioner who had concealed his antecedent, but after verification if it is found that petitioner no. 1 has antecedent of one case only and petitioner no. 2 has antecedent of two cases only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Rishabh/-

U		T	

WEB COPY