IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80614 of 2026

CNR No. BRHC011169602026

Arising Out of PS. Case No.-189 Year-2026 Thana- Excise Benipatti District- Madhubani

==========

Sunil Kumar Mukhiya Son of Kishori Mukhiya Resident of Village- Kataiya (Kataia), P.S.- Benipatti, District- Madhubani

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Ravi Prakash, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

==========

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 05-11-2026 Heard the learned counsel for the petitioner and the learned Addl. Public Prosecutor for the State.

2. The petitioner, who is in custody, seeks bail in connection with Excise (Benipatti) P.S. Case No. 189 of 2026 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, police intercepted two motorcycles and two persons were apprehended including the petitioner, and upon searching the motorcycles total 144 litres of Nepali liquor was recovered from the said motorcycles.

4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and he

WEB COPY

has no concern with the seized liquor or the motorcycles. It has further been submitted that the recovery was not made from the conscious possession of the petitioner rather the same was loaded on the motorcycles, which does not belong to the petitioner. It has lastly been submitted that the petitioner carries clean antecedent and he is in custody since 01.09.2026.

5. The learned Addl. Public Prosecutor for the State has vehemently opposed the prayer for bail.

6. Regard being had to the facts and circumstances of the case and taking note of the fact that the petitioner has remained in custody since 01.09.2026, let the petitioner, above-named, be released on bail on his furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Excise (Benipatti) P.S. Case No. 189 of 2026, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be a local resident.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the concerned

WEB COPY

Court.

(iv) If the petitioner, in future, is found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The concerned Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that he has concealed his criminal antecedent, the Court concerned shall take necessary steps for cancellation of his bail bond. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(vi) In view of the antecedent of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Madhubani within fifteen (15) days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the concerned Superintendent of Police and if it is found wanting in any respect, a report shall be made to the Court concerned by him to initiate a proceeding for cancellation of bail of the petitioner for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the Court concerned.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

sweta/-

U		T	

WEB COPY