

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87935 of 2025

Arising Out of PS. Case No.-511 Year-2025 Thana- BATHNAHA District- Sitamarhi

=====

Sitaram Mukhiya @ Sitaram Khimukhiya @ Sipiya @ Sita Mukhiya Son of
Shree Ganesh Mukhiya Resident of Village - Bathnaha, Pashchhim Tola,
Ward No.- 12, P.S.- Bathnaha, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dwij Raj, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 31-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedents of three cases under the Excise Act
and allegation is of recovery of 157.5 litres of liquor from the
house of the petitioner. It is next submitted that 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 his knowledge and 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 local person but then it is 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.

4. Learned A.P.P. opposes the anticipatory bail application.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge Excise, Court No.I, Sitamarhi in connection with Bathnaha P.S. Case No.511 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.



7. It is made clear that the learned trial Court after accepting the provisional bail bond of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedents of more than three cases, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner has antecedents of only three cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, learned counsel for the petitioner, based on instruction, submits that petitioner undertakes to deposit an amount of Rs.5,000/- with Lawyers' Association, Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

Sanjay/-

U		T	
---	--	---	--

