

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90614 of 2025

Arising Out of PS. Case No.-294 Year-2025 Thana- PIPRAKOTHI District- East Champaran

1. Sanjay Mukhiya S/O Bhabhikhan Mukhiya Resident of Village- Hathiyahi, Ward No. 10, P.S.- Piprakothi, District- East Champaran.
2. Shikila Devi Wife of Sanjay Mukhiya, Resident of Village- Hathiyahi, Ward No. 10, P.S.- Piprakothi, District- East Champaran.
3. Sushila Devi Wife of Prem Mukhiya Resident of Village- Hathiyahi, Ward No. 10, P.S.- Piprakothi, District- East Champaran.
4. Sangeeta Devi Wife of Nandu Mukhiya Resident of Village- Hathiyahi, Ward No. 10, P.S.- Piprakothi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar

For the Opposite Party/s : Mr. Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-01-2026 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(a) of Bihar Prohibition and Excise (Amendment) Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no.2, 3 and 4 are women and allegation is of recovery of 25 litres of liquor from the house of the petitioners and a paddy field. It is next submitted that petitioners were not arrested from



the spot as such nothing was recovered from their conscious possession and the house in question is a joint family property as such it cannot be alleged with certainty that it were petitioners, who had kept the liquor in the house or the liquor kept in the house was within their 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 they came to be implicated at the instance of local person but then the name of the person who disclosed the name of the petitioner is not disclosed in the FIR which casts an aspersion on the case of the prosecution when petitioners admittedly are persons with clean antecedent.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. 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 Court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees five hundred) 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



Piprakothi P.S. Case No.294/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. 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 petitioners have 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 but if after verification it is found that petitioners are persons with clean antecedent, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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