

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58110 of 2026

Arising Out of PS. Case No.-41 Year-2026 Thana- Lalitgram District- Supaul

Mithilesh Kumar @ Mithilesh Kumar Yadav S/o Sadanand Yadav R/o vill -
Tengraha (Ward no. 3), P.S.- Kishnpur, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH
ORAL ORDER

2 19-08-2026 Heard learned counsel for the petitioner and learned
A.P.P. on behalf of the State.

2. This application is filed for grant of regular bail to the petitioner who has been made accused in connection with S.T. Excise No.- 3320 of 2026 arising out of Lalitgram P.S. Case No. 41 of 2026, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (as amended up-to-date).

3. As per the prosecution case, there is a recovery of 459 liters of Nepali Dilwale liquor from a Scorpio bearing Registration No. DL4CNB2534.

4. Learned counsel for the petitioner submits that he is innocent, has committed no offence and he has been falsely implicated in this case only on the basis of suspicion. No



occurrence as alleged took place and the entire allegation is false, suspicious, doubtful and fabricated which has been brought into existence by the cunning brain of the informant. It is further stated that the petitioner is not the owner of the aforesaid vehicle and nothing has been recovered from the conscious possession of the petitioner. It is submitted that the police has taken the signature of the petitioner on the plane paper and after taking the signature, forged seizure list was prepared.

5. It is further submitted that there is no independent witness of the alleged seizure list and the witnesses of the seizure list are police party which is a clear violation of the mandatory provisions of Section 103 of the B.N.S.S.

6. Learned counsel for the petitioner submits that charge-sheet has already been submitted against the petitioner and the petitioner is in judicial custody since 10.05.2026 and is having a clean antecedent.

7. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten



thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise Court No.-2, Supaul in connection with Lalitgram P.S. Case No. 41 of 2026 on the following conditions:-

(i) That one of the bailors should be family member of the petitioner.

(ii) That the petitioner will cooperate in the trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be physically present by the Court, he should physically appear in Court on that date.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Kumar Manish, J)

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