

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48629 of 2025

Arising Out of PS. Case No.-259 Year-2025 Thana- SARAIYA District- Muzaffarpur

Mithlesh Kumar @ Mithilesh Kumar S/O Rajdeo Bhagat R/O Village-
Bhagwanpur Pakri, P.S- Lalganj, Distt.- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 29-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Saraiya
PS Case No. 259 of 2025 instituted for the offences under
Sections 30(a), 41(1) and 41(2) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that total 882
litres of foreign liquor was recovered from TATA Pick-up
vehicle bearing Regd No. BR06JD-1664.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got
no concern with the alleged recovery of liquor. It is submitted



that petitioner is the driver of the seized vehicle and he has no knowledge regarding the nature of goods kept in the vehicle. The petitioner is in custody since 26.05.2025 and has got no criminal antecedent. There is no compliance of Section 103 of B.N.S.S.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent of the petitioner and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Saraiya PS Case No. 259 of 2025.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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