

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62025 of 2025

Arising Out of PS. Case No.-355 Year-2025 Thana- PURNEA SADAR District- Purnia

Mithlesh Kumar S/O Awdhesh Prasad @ Abdhesh Prasad Singh Resident of
Naya tola Thadha, ward no. 10, Harda, P.S.- Marnga, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Sadar P.S. Case No. 355 of 2025 registered for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, during patrolling, a car was intercepted by the police and one person from the said car fled away. The driver of the car was apprehended and on search, recovery of 407 liters of beer was made from the said car.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has got no concern with the alleged recovery of illicit liquor. Nothing incriminating has been



recovered from the conscious possession of the petitioner. Learned counsel further submits that the mandatory provision of search and seizure was not followed by the police. There is no independent witness to the seizure list. The petitioner is in custody since 14.07.2025 and charge-sheet has been submitted. The petitioner is having antecedent of four cases and he is on bail in all such cases.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to 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 learned Special Judge Excise Act (Excise-01), Purnea/court concerned in connection with Sadar P.S. Case No. 355 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and



every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of case in future, his bail will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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