

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71593 of 2025

Arising Out of PS. Case No.-279 Year-2025 Thana- EXCISE PUPRI District- Sitamarhi

Mithlesh Rai @ Mithilesh Ray @ Mithilesh Kumar @ Mithlesh Kumar, S/O
Devan Rai @ Dev Narayan Rai, R/O village Mohni Sakrauli, Ward No. 1 @
Mohani Mahuagachhi, Ward No. 1, P.S. Nanpur, Dist. Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Excise P.S. Pupri Case No. 279 of 2025, registered for the
offences punishable under Sections 30(a) and 32(c) of the Bihar
Prohibition and Excise Act.

3. In course of vehicle checking the police intercepted
two persons who were riding on a motorcycle with a plastic bag.
On search, total 16.92 liters of foreign liquor was recovered
from the bag kept on the seat of the motorcycle. The
apprehended person disclosed the name of the petitioner as the
consignor of the liquor.



4. Learned Advocate appearing on behalf of the petitioner submits that save and except the disclosure made by the apprehended persons, there is no material suggesting the complicity of the petitioner in crime. In fact, the criminal antecedent of the petitioner as has been disclosed in paragraph no. 3 of the bail application is said to be the reason for false implication. The petitioner has neither any concern with the motorcycle in question nor with the recovered illicit wine, besides there are various other infirmities in the search and seizure, as also non-compliance of the prescription of Section 103 and 105 of the Bharatiya Nagarik Suraksha Sanhita. The petitioner undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that the apprehended persons disclosed the name of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of accusation against the petitioner and the materials collected during the course of investigation, not sufficient enough to attract the rigors provided under Section 76(2) of the Bihar Prohibition



and Excise Act, 2016, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 2, Sitamarhi in connection with Excise P.S. Pupri Case No. 279 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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