

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10885 of 2026

Arising Out of PS. Case No.-5 Year-2026 Thana- MEHANDIGANJ District- Patna

Mohit Kumar @ Puiya S/o Late Shibalak Kewat @ Late Shivbalak Kewat
R/o Mehndi Ganj, Pani Tanki, Distt.- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Simran Kumari, Adv

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Mehndiganj P.S. Case No. 05 of 2026, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. The case of the prosecution, in short, is that on 05.01.2026, the informant got some secret information that the illegal sale of liquor is going at Mehndiganj Pani Tank in the house of accused petitioner. During the Special raid, police recovered 112 liters of liquor. Upon enquiry, the persons who fled away from the spot were Mohit Kumar (the petitioner herein) and Rohan Kumar.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. He further submits that the petitioner has been implicated only on the basis of statement made by a co-accused. The petitioner has not arrested from the spot nor anything has been recovered from the conscious physical possession of the petitioner. He further submits that the petitioner has one criminal antecedent.

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

6. Considering the fact that nothing has been recovered from the conscious physical possession of the petitioner and his name has surfaced on account of the statement made by a co-accused, which does not carry evidentiary value and also given the fact that the search and seizure memo has not been signed by independent witnesses, this Court is inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, named above, in the event of his arrest or surrender before the Court below within four weeks from today, be released 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 Special Judge, Excise, Patna City, in connection with Mehndiganj P.S. Case No. 05 of



2026, subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 as also further condition that:-

(i) the petitioner shall co-operate in the investigation/trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

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