

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10920 of 2026

Arising Out of PS. Case No.-576 Year-2025 Thana- MUFFASIL District- West Champaran

1. Jitendra kumar @ Jitendra Son of Ramashray Resident Of Village -Delhi Budh Bihar Sharma Colony Phase 2, Ps- Rohini, Sector -5, Dist-Delhi P/A- Resident of village- Math Bhujang Belasanda Ps- Barhalganj, Dist- Gorakhpur
2. Khimanand son of Tarachand Resident Of Village - A-40, Suraj Park, Ps- Shyampur Badali, Dist- Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioners and learned APP for the State.

02. In the present case, the petitioners seek bail in connection with Bettiah Mufassil P.S. Case No. 576 of 2025 registered for the alleged offences under Sections 318(4) r/w 3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 30(a), 41 of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, the police received information about transportation of illicit liquor by a truck. The said truck was intercepted and the petitioners were apprehended who were said to be the driver and the cleaner of the truck. On search of the truck, recovery of 3100.320 liters of India made



foreign liquor was made.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners are driver and cleaner of the vehicle and nothing incriminating has been recovered from the conscious possession of the petitioners rather the recovery was shown from the truck and the petitioners, being driver and cleaner, have no concern with the consignment. Learned counsel further submits that the petitioner no. 1 is having antecedent of one case in which he is on bail whereas petitioner no. 2 is having clean antecedents. The petitioners are in custody since 05.12.2025 and charge-sheet has been submitted.

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

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the the fact that the petitioners are said to be the driver and the cleaner of the vehicle from which recovery has been shown and also considering the period of custody of the petitioners along with submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of learned Special Judge Excise Court No. 1, Bettiah, West Champaran/court concerned in connection with Bettiah Mufassil P.S. Case No. 576 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 petitioners.
- (ii) The petitioners 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 petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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