

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10949 of 2026

Arising Out of PS. Case No.-2 Year-2026 Thana- Excise P.S. District- Madhubani

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Mithilesh Kumar @ Mithilesh Kumar Ray @ Langari Son of Kishore Rai
Resident of Village- Mirjapur Rajnagar, Ward No 13, PS- Rajnagar, Distt
-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratnakar Jha

For the Opposite Party/s : Mr. Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-02-2026 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of eleven cases under the Excise Act
and allegation is of recovery of 32.250 litres of liquor from
under constructed house of the petitioner. It is next submitted
that petitioner was not arrested from the spot as such nothing
was recovered from his conscious possession. It is also
submitted that the house is under construction as such no one
was staying in the house but then the house was accessible to



villager at large and it appears that someone inimical to the family concealed meager amount of liquor with an intent to implicate the entire family members. It is also submitted that no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either through chowkidar, local person, confessional statement or secret information without holding a proper investigation.

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

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.55,000/- (Rupees fifty five thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sadar Excise P.S. Case No.02/2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.



6. It is made clear that the learned trial court thereafter shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than 11 cases, in that event, it would be presumed that petitioner had concealed his antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if on verification it is found that petitioner has antecedent of 11 cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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