

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11069 of 2026

Arising Out of PS. Case No.-1 Year-2026 Thana- BAUGHAT District- Sheikhpura

Mithun Ram @ Mithun Kumar Son of Late Dashrath Ram Resident of Village
- Jitwarpur, Police Station - Baughat, District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

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

2. The petitioner seeks bail in anticipation of his arrest in connection with Baughat P.S. Case No. 01 of 2026 instituted for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The prosecution case is to the effect that the police received secret information that Mithun Ram @ Mithun Kumar (the petitioner) is selling liquor near the water hyacinth. It has further been alleged that when the police reached near the place of occurrence the accused persons fled away and total 10 liters of country made liquor was recovered.

4. Learned counsel for the petitioner submits that the



petitioner has falsely been implicated merely because he has two criminal antecedents of similar nature. Admittedly, the place where the said seizure was made does not belong to the petitioner. The petitioner has no concern either with the seized liquor or the business of the said liquor. It has next been submitted that the petitioner is on bail in previous two cases of similar nature.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for anticipatory bail.

6. Considering the facts aforesaid, the petitioner is directed to 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, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge, Sheikhpura in connection with Baughat P.S. Case No. 01 of 2026, subject to the conditions as laid down under Section 482 of the BNSS and subject to 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, if so required by the learned Trial Court;

(iii) in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will liable to be cancelled by the Court concerned;

(iv) the Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on in the name of verification.

(v) the Court below shall verify the criminal antecedent of the petitioner except in cases which have been mentioned in para-3 of the petition, registered for the offence under Section 30A of the Bihar Prohibition and Excise Act and, in case at any stage it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for the purpose of the same or in the name of verification.



7. It is made clear that the observations, if any, made
in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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