

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18349 of 2026

Arising Out of PS. Case No.-86 Year-2026 Thana- DIGHA District- Patna

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Kishan Kumar S/O Methun Mahto R/O Village- Jamalpur, P.S- Rustampur,
Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Arya, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-03-2026 Heard Mr. Mithilesh Kumar Arya, learned counsel

for the petitioner and Ms. Pronoti Singh, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
01.02.2026 in connection with Digha P.S. Case No. 86 of 2026,
F.I.R. dated 01.02.2026 for the offences punishable under
section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. Recovery is of 2000 liters of country made wine.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. The allegation as alleged in the
F.I.R is false and fabricated and the petitioner has not committed
any offence as alleged in the F.I.R. He further submits that it
appears from the F.I.R. as well as seizure list that altogether



2000 litres of country made wine has been recovered from the boat in question and the petitioner has been made accused merely on the basis of suspicion. From perusal of the seizure it appears that there is no signature or L.T.I of the petitioner on the seizure list and the said seizure list suggest that the recovery has been made from the co-accused person. There is non-compliance of Sections 103/105 of the BNSS, 2023. The petitioner is in custody since 01.02.2026.

5 Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 Exclusive Special Judge Excise-II, Patna, District-Patna in connection with Digha P.S. Case No. 86 of 2026, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that 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 bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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