

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25191 of 2026

Arising Out of PS. Case No.-222 Year-2026 Thana- Excise P.S. District- Nawada

Mithlesh Kumar S/o Dwarika Yadav Resident of Village- Manpur, P.S.- Roh,
District- Nawada,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-04-2026 Heard Mr. Manmohan Kumar, learned counsel for
the petitioner and Md. Iftekhar Mahmood, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
28.02.2026 in connection with Nawada Excise P.S. Case No.
222 of 2026, F.I.R. dated 27.02.2026 for the offences punishable
under Sections 30(a) and 41 of the Bihar Prohibition and Excise
Act.

3. Recovery is of 120 liters of illicit beer.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
as well as seizure list that nothing has been recovered from the
conscious possession of the petitioner rather the recovery has



been made from vehicle in question and the petitioner has been made accused merely on the basis that he is the driver of the vehicle in question. The seizure list witnesses are police personnel and there is non-compliance of Sections 103 and 105 of the BNSS. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 28.02.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one criminal antecedent but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matter.

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 Court, Excise-2, Nawada in connection with Nawada Excise P.S. Case No. 222 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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