

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28879 of 2026

Arising Out of PS. Case No.-126 Year-2026 Thana- FATEHPUR District- Gaya

Kapil Kumar Son of Chandrika Mistri Resident of Village - Sandeshwar,
Police Station - Fatehpur, District - Gaya Jee.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Syed Asgher Najmi, Adv. Ms. Wajeeha Jafri, Adv. Ms. Neha Kumari, Adv.
For the Opposite Party/s	:	Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 05-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Fatehpur P.S. Case No. 126 of 2026 registered for the offence punishable under Section 317(5) of the B.N.S., 2023 and Section 37 of the Bihar Prohibition and Excise Act.

3. The case of the prosecution, in short, is that the petitioner was found in intoxicated position on a stolen bike.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He also submits that the seizure list of the bike was made at P.S., whereas, as per the seizure list, the recovery was made at



Jhanda Chowk. He further submits that the petitioner is languishing in judicial custody since 06.03.2026.

5. The application for bail is opposed by learned APP for the State and submits that the petitioner has criminal antecedent of one case.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-cum-Exclusive Excise Court No. IV, Gaya Ji in connection with Fatehpur P.S. Case No. 126 of 2026.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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