

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 29785 of 2026

Arising Out of PS. Case No.-183 Year-2026 Thana- Excise P.S. District- Rohtas

Mithilesh Yadav @ Mithlesh Yadav

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 30566 of 2026

Arising Out of PS. Case No.-183 Year-2026 Thana- Excise P.S. District- Rohtas

Suraj yadav

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 29785 of 2026)

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

(In CRIMINAL MISCELLANEOUS No. 30566 of 2026)

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-05-2026 Heard Mr. Arun Kumar Gupta, learned counsel

for the petitioners and Mr. Raj Kishor Singh, learned Additional

Public Prosecutor for the State.

2. Petitioners seeks bail who are in custody since

08.04.2026 in connection with Sasaram Excise P.S. Case No.

183 of 2026, F.I.R. dated 07.04.2026 for the offences punishable

under Section 30(a) of the Bihar Prohibition and Excise



Act, 2018.

3. Recovery is of 493.680 liters of liquor.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have 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 petitioners rather the recovery has been made from truck in question. He further submits that seizure list witnesses are police personnel so there is non-compliance of Section 103 and 105 of BNSS and the petitioners are in custody since 08.04.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that both the petitioners have one criminal antecedent.

6. Considering the aforesaid facts and circumstances and the fact that recovery has been made from truck in question and there is non-compliance of Section 103 and 105 of BNSS, let the petitioners, 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 Court No.-1, Rohtas, Sasaram in connection with Sasaram Excise P.S. Case No. 183 of 2026,



subject to the following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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