

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30541 of 2026**

Arising Out of PS. Case No.-128 Year-2026 Thana- Excise P.S. District- Lakhisarai

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Jitendra Kumar @ Jitu @ Jito S/o Indradeo Yadav R/o Village - Brindavan,  
P.S - Kiul, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Mayank Bilochan

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      05-05-2026                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since  
01.03.2026 in connection with Lakhisarai Excise P.S. Case No.  
128 C<sup>2</sup> of 2026 for the offences punishable under Sections 30(a)  
and 37 of Bihar Prohibition and Excise Amendment Act, 2022.

3. The case of the prosecution, in brief, is that  
informant Shanta Kumar (SI) has submitted a written report to  
the SHO Excise P.S. Lakhisarai, stating therein is that  
01.03.2026, in view of Holi festival to take action against illegal  
liquor informant with other police personals were on patrolling  
duty near at Kiul Station, during this he received a secret  
information that one person is coming from Kiul river by  
carrying illegal liquor and going toward Vrindavan. On this



informant along with other police personals were reached at village Goddi near at the bank of Kiul river and ambushed, meanwhile have seen that one person is coming from Kiul river carrying a bag, on seeing police party he thrown away the bag and tried to fled away but caught on chase, on query he disclosed his name and addresses. Thereafter search was made and recovered 15 liter of country liquor from the said bag. Further accused/petitioner was being examined by breath analyzer test machine and reading was found BAC=139mg/100ml. Accordingly seizure list was being prepared, signed and supplied to the accused/petitioner.

4. Learned counsel for the petitioner submits that it appears from the FIR and seizure list that altogether 15 liters of country-made liquor was recovered from the conscious possession of the petitioner and petitioner was found in drunken condition. It is next submitted that from perusal of the seizure list it appears that the seizure list witnesses are police personnel so there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and petitioner is in custody since 01.03.2026.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner and



submits that petitioner has antecedent of five cases other than the present case but fairly submits that petitioner is on bail in all the pending matters.

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 Court of District and Additional Sessions Judge-VII-cum-Exclusive Special Excise Court-II, Lakhisarai in connection with Lakhisarai Excise P.S. Case No. 128 C<sup>2</sup> 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)**

Gaurav Sinha/-

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