

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34275 of 2026

Arising out of PS. Case No.-108 Year-2026 Thana- Excise P.S. District- Katihar

Mithun Kumar Yadav S/o Arjun Yadav R/o Bari Bathna, Ward No. 10, P.S.-
Mansahi, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL ORDER

2 20-05-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in Katihar Excise P.S. Case
No. 108 of 2026 registered for alleged offence under Sections
30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. The allegation is that 144 litres country made
Mahua liquor was recovered under the seat of the driver of
Tempu (TOTO) and the petitioner is said to be the driver of the
said vehicle.

4. Learned counsel for the petitioner submits that
nothing has been recovered from the conscious possession of
the petitioner. He further submits that the petitioner has no
criminal antecedent and is in custody since 13.03.2026.

5. Learned Additional Public Prosecutor for the State



has vehemently opposed the prayer for bail of the petitioner.

6. Considering that the alleged recovery was not recovered from the conscious possession of the petitioner and the petitioner is in custody since 13.03.2026 having no criminal antecedent, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court Exclusive Special Judge Excise Court No.-1, Katihar in connection with Katihar Excise P.S. Case No. 108 of 2026.

8. It is made clear that any observation made herein is *prima facie* in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

(Ansul, J)

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