

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33505 of 2026

Arising Out of PS. Case No.-109 Year-2026 Thana- BIHTA District- Patna

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Jitendra Singh S/O Lakshman Singh @ Laxman Singh Resident of Village -
Bhakhasar, P.S- Bhakhasar, Dist.- Badmer (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-05-2026 Heard Mr. Anish Kumar, learned counsel for the

petitioner and Mrs. Pushpa Sinha, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
02.02.2026, in connection with Bihta P.S. Case No. 109 of 2026,
corresponding to Special Excise Case No. 234 of 2026 F.I.R.
dated 01.02.2026 registered for the offences punishable under
Sections 30(a) and 41(1) of the Bihar Prohibition & Excise Act.

3. Recovery is of 9070.315 litres of *illicit* liquor.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
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 recovery has been made from the truck in question and



the petitioner is not the owner of the truck in question. It appears from the seizure list that the seizure list witnesses are police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 02.02.2026.

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

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedents and nothing has been recovered from the conscious possession of the petitioner and there is non-compliance of Sections 103 and 105 of the BNSS, 2023, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur, Patna, in connection with Bihta P.S. Case No. 109 of 2026, corresponding to Special Excise Case No. 234 of 2026 subject to the following conditions :-

(1) One of the bailors should be the close relative of the petitioner.



(2) 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.

(3) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(4) 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 antecedents, 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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