IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76934 of 2026

CNR No. BRHC011065882026

Arising Out of PS. Case No.-777 Year-2026 Thana- GOPALGANJ TOWN District-Gopalganj

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Mithilesh Kumar Sahani @ Mithlesh Kumar Sahani S/O Krishna Sahani Resident of Village- Salehpur Malahi Tola, PS- Bishambharpur, District-Gopalganj

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pankaj Kumar Dubey, Adv.
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Gopalganj Nagar P.S. Case No. 777 of 2026 lodged on 10.08.2026, for the offence punishable under Sections 30(a) & 41(1) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, FIR has been lodged against the sole petitioner and one owner of a vehicle. Total recovery of 665.250 litres of illicit liquor has been made, which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits

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that nothing has been recovered from the conscious possession of the petitioner and the alleged recovery has been made from a Scorpio vehicle which does not belong to the petitioner and he is said to be the driver of the said vehicle. Counsel submits that the petitioner had no knowledge that liquor was kept in the said vehicle. He further submits that the petitioner is in judicial custody since 10.08.2026, having five criminal antecedents and in all the cases he is on bail. Counsel submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner has five criminal antecedents out of which, four cases are related to the Excise Act and one case is related to the Arms Act.

6. As such, in the present facts and circumstances of the case considering that huge quantity of liquor has been recovered from a Scorpio vehicle which petitioner was driving and he has five criminal antecedents, let the above-named petitioner be granted bail subject to payment of Rs. 2,00,000/- (Two Lacs) in the account of concerned Excise Court, and on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the

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satisfaction of District & Additional Sessions Judge-XIII-cum-Special Judge Excise-I, Gopalganj, in connection with Gopalganj Nagar P.S. Case No. 777 of 2026, subject to the conditions as laid down U/s 480(3) of the B.N.S.S., 2023.

(Dr. Anshuman, J)

Divyansh/-

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