IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74711 of 2026

CNR No. BRHC011070902026

Arising Out of PS. Case No.-457 Year-2026 Thana- LALGANJ District- Vaishali

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Mithlesh Kumar S/o Achhelal Rai @ Achhelal Yadav R/o Village - Batraul Ward No. 16, PS - Lalganj, District - Vaishali

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mrs. Bela Singh, Advocate
For the State : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

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

2. The present petition has been filed on behalf of the petitioner under Section 482 of the B.N.S.S. for anticipatory bail apprehending his arrest, in connection with Lalganj P.S. Case No. 457 of 2026, dated 02.09.2026, registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022. Similar application filed by the petitioner has been rejected by learned Court of Sessions vide order dated 22.09.2026, passed in A.B.P. No. 2951 of 2026.

3. As per allegation, the police got secret information that the petitioner and other co-accused had concealed illicit liquor in a Bolero vehicle parked in a cluster of bamboos. On

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raid, 384.96 litre of illicit liquor was recovered from the said Bolero.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. She further submits that the petitioner is neither owner nor driver of the vehicle, in question, wherefrom the illicit liquor has been recovered. She further submits that the petitioner has nothing to do with the alleged offence and his name has transpired only on the basis of suspicion without any cogent evidence.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has four criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed,** directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his

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furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Lalganj P.S. Case No. 457 of 2026, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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