IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77253 of 2026

CNR No. BRHC011134252026

Arising Out of PS. Case No.-287 Year-2026 Thana- CHHAURADANO District- East Champaran

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Mithu Paswan @ Mithu Kumar Pawan S/O Rajdeo Paswan Resident of Village- Kudarkat, P.S- Chhauradano, District- East Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

2 28-10-2026 Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection with Chhauradano Sadar P.S. Case No. 287 of 2026, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. Allegedly, on the tip-off, the police raided thatched hut of the petitioner and, recovered 575 bottles of Nepali Kasturi liquor, each containing 300 ml, totalling 172.5 litres, from six jute sacks, kept inside the hut.

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4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. He has further submitted that the alleged recovery of Nepali liquor was made from a joint hutment, which is not exclusively owned by the petitioner. He has also submitted that the petitioner had no knowledge about the alleged recovery and, no liquor was recovered from his conscious possession. He has next submitted that during course of the investigation, not a single independent witness came forward to support the prosecution case. It has further been contended that the petitioner has been implicated in the present case due to the high-handedness of the local police. He has further submitted that the petitioner has involved in four other cases, in which, he is on bail. The petitioner has been in judicial custody since 20.08.2026. He undertakes that the petitioner shall cooperate with the trial and shall not repeat any offence of similar nature.

5. On the other hand, the learned APP for the State has opposed the prayer for bail.

6. Taking into account the entire facts and

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circumstances of the case, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court-II/concerned Court, East Champaran at Motihari in connection with Chhauradano Sadar P.S. Case No. 287 of 2026, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial.

(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) Before release, the learned court below shall verify the criminal antecedent of the petitioner and if he is found involved in any case other than the four cases as mentioned in paragraph no. 3 of the main bail petition, his bail bond will not be accepted. The cases mentioned in

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paragraph no. 3 of the main bail petition are as follows:-

(a) Chhauradano P.S. Case No. 87 of 2024.

(b) Chhauradano P.S. Case No. 326 of 2024.

(c) Chhauradano P.S. Case No. 78 of 2022.

(d) Chhauradano P.S. Case No. 88 of 2024.

(v) It is also made clear that there shall be no delay beyond a period of ten days in verifying the criminal antecedents of the petitioner.

(vi) If he repeats any offence of similar nature, his bail bond shall be liable to be cancelled immediately by the learned court below.

(Raj Kumar, J)

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