IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80961 of 2026

CNR No. BRHC011157332026

Arising Out of PS. Case No.-814 Year-2026 Thana- Excise P.S. District- Gopalganj

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1. Mithilesh Kumar Singh S/o Ramislok Singh R/o - Naya Gaon, Ward No.01, P.S - Desari, District - Vaisali.
2. Pawan Kumar @ Pawan Kumar Singh S/O Sakal Ram R/O Village - Mohammadpur Sakara, P.S. - Vibhutipur, Dist. Samastipur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

2 19-11-2026 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Excise P.S. Case No. 814 of 2026 registered for the offences punishable under Sections 30(a) and 32 of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, 120.240 litre illicit liquor was recovered from the Scorpio vehicle in question and petitioners were apprehended on the spot.

4. Learned counsel for the petitioners submits that petitioners are quite innocent and have committed no offence as alleged in the FIR and they have been falsely implicated in this

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case. Petitioners are in custody since 17.09.2026. Petitioner no.1 bears criminal antecedent of one case in which he is on bail and petitioner no. 2 bears no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel submits that petitioners are not owner of the vehicle in question. He further submits that petitioners are merely a driver and co-driver and they have to follow the instruction of the owner of the vehicle in question to earn his livelihood. Petitioners had no knowledge that illicit liquor had been kept in the vehicle in question. Petitioners have no concern with the seized liquor. No incriminating article has been recovered from conscious possession of the petitioners. Seizure list has not been prepared as per law. Petitioners have nothing to do with the alleged recovery. Hence, the petitioners deserve bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioners and submits that petitioners are FIR named accused and they were apprehended on the spot. Hence, petitioners cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted, argument advanced on behalf of both sides

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and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, IV cum Exclusive Special Excise, Court – II, Gopalganj in connection with Excise P.S. Case No. 814 of 2026, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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