

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51201 of 2016

Arising Out of PS.Case No. -93 Year- 2008 Thana -GOVERNMENT OFFICIAL COMP. District-
GAYA

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Mithilesh Kumar, son of Panch Ratan Prasad, Resident of Village-
Fulwariya, P.S.- Imamganj, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-11-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
30.08.2016 in connection with Excise Case No. 93 of 2008
registered for the offence punishable under Section 47(a) (f) of the
Bihar Excise Act.

The prosecution case, as lodged by the police
personnel, is that on secret information, house of the petitioner
was raided and 30 litres of country made Mahua wine and 3000
Kgs. and 1200 Kgs. of Mahua jawa were recovered from two
separate places kept in drums and mud vessels.

It has been submitted by the learned counsel for the
petitioner that the aforesaid case has been lodged under the old

Excise Act and nothing has been recovered from the conscious possession of the petitioner. He further submits that only a sample of Mahua Jawa was taken by the police, which cannot ascertain the exact quantity recovered, hence, allegations are false. He further submits that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. He further submits that petitioner has no criminal history.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since charge-sheet has already been submitted, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sherghati, Gaya in connection with Excise Case No. 93 of 2008.

This direction for bail is further subject to the condition that petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence

and shall appear in the learned Court below, as and when directed.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

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