IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 36681 of 2018

Arising Out of PS. Case No.-108 Year-2018 Thana- Kathaiya District- Muzaffarpur

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Mithlesh Singh @ Mithilesh Kumar Singh S/o Awadhesh Singh, R/o Vill.- Nawada, P.S.- Saraiya (Jaintpur O.P.), District- Muzaffarpur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sanjay Kumar @ S.K.
For the Opposite Party/s : Mr. Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2. 29-06-2018 Heard Sri Sanjay Kumar @ S.K., learned counsel for the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, having clean antecedent which fact has been stated in paragraph – 3 of the petition apprehending his arrest in Kathaiya P.S. Case No. 108 of 2018 registered for offence under Section 414 of the Indian Penal Code and Section 30(A), 32(I), 38(II) of Bihar Prohibition and Excise Act, 2016, has prayed for grant of bail in the event of his arrest or surrender, on the ground that petitioner has been made accused on the basis of confessional statement of co-accused.

It was submitted by learned counsel for the petitioner that in this case, a vehicle was intercepted by the police and from the said vehicle, huge quantity of Indian make foreign liquor was shown to be recovered and thereafter, the arrested

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person disclosed, as if, petitioner is the owner of the liquor in question. Besides confessional statement, there is no other material to connect the petitioner in the present case.

Considering the fact that petitioner is having clean antecedent as well as the fact that his name has come in confessional statement of the co-accused made before the police, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner namely Mithlesh Singh @ Mithilesh Kumar Singh be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Kathaiya P.S. Case No. 108 of 2018, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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