

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29178 of 2021**

Arising Out of PS. Case No.-9 Year-2020 Thana- KALYANPUR District- Samastipur

MITTHI RAI @ MITTHU RAI Son of Ram Lagan Rai R/o Village- Nima
Chakhaidar, P.S.- Chakmehasi, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad
For the Opposite Party/s : Mr. Ramchandra Sahni

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 29-11-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 30 (a) of the Bihar Prohibition & Excise Act.

As per the prosecution case, 165.225 of foreign liquor has been recovered from a bush near graveyard.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. No incriminating article has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery rather the recovery is made from a public place, which is accessible to all. Petitioner is in custody since 05.12.2020 and investigation in this case is complete.



Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-II-cum- Special Judge, Excise Act, Samastipur in connection with Kalyanpur PS case No.09/2020.

(Prabhat Kumar Singh, J)

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