

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38652 of 2021

Arising Out of PS. Case No.-115 Year-2021 Thana- RAJNAGAR District- Madhubani

MITHLESH RAI @ NENGARI S/O KISHOR RAY R/o village- Mahant
Patti, P.S.- Rajnagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Raj Nagar P.S. Case No. 115 of 2021 registered under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

There is alleged recovery of 131.760 litres illicit foreign liquor and 84 litres beer from a bamboo clump behind the petitioner's house.

Learned counsel for the petitioner submits that the



prosecution case alleges recovery from behind his house for which he cannot be held responsible. The petitioner has falsely been implicated by the prosecution by stating that he was hiding himself in the bamboo clump. Such false implication is based on his two antecedents under the Bihar Prohibition and Excise Act prior to the instant case as per details in para 3. He is stated to be on bail in both the said cases and in the instant case in custody since 04.04.2021.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-IIInd-cum-Spl. Judge, Excise Act, Madhubani in Raj Nagar P.S. Case No. 115 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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