

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4468 of 2021**

Arising Out of PS. Case No.-573 Year-2020 Thana- KHAGARIA District- Khagaria

Mithun Kumar @ Mithun Yadav Son of Narayan Yadav Resident of Village -  
Tilaknagar, P.S.- Alauli, Dist.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Adv.

Mr. Lakshmi Kant Sharma, Adv.

For the Opposite Party/s : Mr. Humayou Ahmand Khan, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      26-07-2021      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State through video  
conferencing.

The petitioner has filed the instant application for  
grant of regular bail in connection with Khagaria P.S. Case no.  
573 of 2020 registered under section 30(a) of the Bihar  
Prohibition and Excise Act, 2016.

As per allegation in the FIR, 909 litres of liquor was  
recovered from the vehicle of which the petitioner was the  
driver.

It is submitted by learned Senior Counsel for the  
petitioner that no incriminating article has been recovered from  
the person or possession of the petitioner. He has neither any



concern with the vehicle in question nor with the seized liquor. He was arrested under wrong impression. He is in custody since 13.8.2020 and in the other case under the Bihar Prohibition and Excise Act, he has been enlarged on bail.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioner having remained in custody for more than 11 months, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Khagaria P.S. Case no. 573 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Khagaria.

**(Partha Sarthy, J)**

Bibhash

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