

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11985 of 2022**

Arising Out of PS. Case No.-352 Year-2021 Thana- TAJPUR District- Samastipur

MITHILESH KUMAR @ FUCHU S/o- Vimal Ray R/o- Village - Bikrampur
Bandey, P.S. - Muffasil, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap
For the Opposite Party/s : Mr.Akbar Ali,APP

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

2 09-05-2022 Heard learned counsel for the parties.

The petitioner seeks bail in a case registered for the offence under Section 30(a), 41(i)(ii) of Bihar Prohibition and Excise Act.

164.325 liters of illicit foreign liquor has been recovered from Swift Dzire car and petitioner is alleged to be owner of the said car.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of this petitioner. Petitioner is neither owner nor driver of the said car and has got no concern with the seized liquor. Petitioner is in custody since 07.01.2022.

Learned A.P.P. for the State has opposed the bail petition and submitted that petitioner has got two more criminal



antecedent of similar nature.

Considering the aforesaid facts and circumstances as well as the fact that petitioner has got criminal antecedent of similar nature of cases, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected. However, the learned court below, where the case is pending, is directed to release the petitioner on bail, **after framing of the charge.**

(Prabhat Kumar Singh, J)

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