

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13025 of 2022

Arising Out of PS. Case No.-315 Year-2021 Thana- HARLAKHI District- Madhubani

Mithlesh Kumar Das @ Mithilesh Kumar Das Son of Vilatu Das @ Biltu Das
Resident of Village- Mahadevpatti , Ward no.12, P.s.- Harlakhi, Distt.-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Harlakhi
P.S. Case No. 315 of 2021 registered for the offence under
Sections 272, 273 and 34 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.12.2021.

The allegation against the petitioner is to involve in
illegal trade of 105 liters of illicit Nepali liquor.

Learned counsel appearing on behalf of the petitioner



submitted that, as per seizure list, the recovery has not been made from the conscious physical possession of the petitioner and also the provision of Section 100 of Cr.P.C. was not complied with. It has also been submitted that the petitioner is a man of clean antecedent and also chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the seizure list is appearing doubtful and the recovery has not been made from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, the the recovery has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Harlakhi P.S. Case No. 315 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, subject to the following conditions:



“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Vilatu Das, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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