

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17687 of 2022

Arising Out of PS. Case No.-228 Year-2021 Thana- AMBA District- Aurangabad

Mithlesh Kumar @ Gora, Son of Tripurari Yadav Resident of Village - Gewal Bigha, P.S. - Madanpur, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-08-2022 Heard Mr. Ranjit Kumar, learned counsel appearing on behalf of the petitioner and Mr. Khurshid Anwar, learned APP for the State.

The petitioner seeks regular bail in connection with Amba P.S. Case No. 228 of 2021, registered for offences punishable under Sections 30(a), Bihar Prohibition and Excise (Amendment) Act, 2018.

Allegation is of recovery of 450 litres of country made liquor from two car and one motorcycle.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. Altogether, 75 litres of country made liquor was recovered from Renault Kwid car bearing Registration No. BR-02AZ-0392, the petitioner was found sitting in the said vehicle as a passenger. He further submitted



that similarly situated co-accused Srikant Kumar has already been enlarged on bail by this Court vide order dated 25.08.2022 passed in Criminal Miscellaneous No. 15382 of 2022. The petitioner is in custody since 25.12.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the trade of illicit liquor is rampant in the State of Bihar. In spite of complete prohibition in the State, due to consumption of illicit liquor, people at large are dying everyday and they are suffering from various physical disorder, as such it would not be in public interest to release the petitioner on bail.

Taking into consideration the submission made by the learned counsel for the petitioner that petitioner was found sitting in the alleged vehicle as passenger and he had no knowledge about carrying of liquor in the said vehicle, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise 1st Aurangabad in connection with Amba P.S. Case No. 228 of 2021, subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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