

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20830 of 2022**

Arising Out of PS. Case No.-16 Year-2022 Thana- MITHANPURA District- Muzaffarpur

Girijesh @ Kanhai Singh Son of Nantun Singh @ Shashi Bhushan Prasad  
Resident of Village - Manika Vishunpur Chand, P.S. - Mushahri, District -  
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      15-07-2022                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned counsel appearing on behalf of the State  
  
through virtual Court proceedings.

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

The petitioner seeks bail in connection with  
Mithanpura P.S. Case No. 16 of 2022 registered for the offence  
under Section 30(a) of the Bihar Prohibition and Excise Act,  
2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 15.02.2022.

The allegation against the petitioner is to be engaged  
in illegal trade of illicit liquor, where, there is recovery of



1168.47 litres of IMFL.

Learned counsel appearing on behalf of the petitioner submitted that admittedly recovery has been made from open place i.e. litchi garden of Ahuti Rani Das and name of the petitioner surfaced on the basis of confessional statement of unknown villagers and petitioner was not arrested at the spot. It has further been submitted that petitioner is involved in other 4 cases of similar nature, in which, he is on bail. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery has not been made from physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mithanpura P.S. Case No. 16 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Muzaffarpur, subject to the following conditions:

*“(i)That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.*

*(ii) 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.*

*(iii) That one of the bailors shall be Mukesh Kumar, who is the brother-in-law (Saala) of the petitioner and deponent of the present bail petition.”*

**(Chandra Shekhar Jha, J)**

S.Katyayan/  
R.S.Sen/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

