

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35649 of 2022

Arising Out of PS. Case No.-234 Year-2021 Thana- RAMPUR District- Gaya

MITHLESH KUMAR SINGH @ MUKESH KUMAR @ MITHLESH
SINGH Son of Chandradev Singh Resident of village - Kunwarpur,
Pasrampur, P.S.- Pipra, District - East Champaran (Motihari)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-08-2022 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 Rampur P.S.
Case No.234 of 2021 registered for the offence under Section 30(a)
of the Bihar Prohibition and Excise Act, 2018 and Section 414, 468,
472, 420/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.05.2022.

The allegation against the petitioner is to be engaged in
illegal trade of illicit liquor, where, there is recovery of 8200 litres of
illicit spirit.

Learned counsel appearing on behalf of the petitioner
submitted that name of the petitioner surfaced on the basis of



confessional statement of co-accused, who is the driver of alleged vehicle, from where, recovery of illicit liquor was made. It is also submitted that nothing surfaced during course of investigation, which may incriminate the petitioner, *prima-facie*, with the alleged recovery of illicit liquor. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, 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 of illicit liquor was not made from physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor was not 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 Rampur P.S. Case No.234 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 Exclusive Special Excise Court No.1, Gaya / concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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