

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47363 of 2022**

Arising Out of PS. Case No.-5 Year-2020 Thana- TISIAUTA District- Vaishali

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MITHILESH CHAUDHARY @ MITHILESH KUMAR CHAUDHARY S/o  
Parichanan Chaudhary Resident of Village- Laxmi Narayanpur, P.S.- Tisiauta,  
Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      04-11-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

Learned counsel for the petitioner undertakes to  
remove the defects within three weeks. In the eventuality of  
non-removal of defects within undertaken period, the office will  
place the matter before the Bench.

The petitioner is apprehending his arrest in a case  
registered for the offence punishable under Section 30(a)(b)(c)  
of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that  
petitioner is innocent and has been falsely implicated in this  
case. He submits that there is no recovery from the conscious  
possession of the petitioner rather 1247.76 litres of foreign



liquor is said to have recovered from the field of occurrence. He submits that this field is an open field. He further submits that no one was apprehended on the spot and local chaukidar disclosed the name of the petitioner. He submits that there is no recovery from the conscious possession of the petitioner. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 50,000/- (Rupees Fifty Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the facts and circumstance of the case and the fact that there is no recovery from the conscious possession of the petitioner, let the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Tisiauta P.S. Case No. 05 of 2020, subject to the condition as laid down under



Section 438 (2) of the Cr.P.C., with further conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who he is related with the petitioner. He will also undertake to inform the court if there is any change in the address of the petitioner.

(II) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after her release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

**(Anjani Kumar Sharan, J)**

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