

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 49890 of 2022

Arising Out of PS. Case No.-83 Year-2022 Thana- MANER District- Patna

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MITHLESH KUMAR, S/o Late Premnath Thakur R/o village- Mahnar Desh
Rajpur, P.S.- Mahnar, District- Vaisali, at present residing at Bakarganj Bazar,
P.S.- Gandhi Maidan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nawal Kishore Prasad,Advocate

For the Opposite Party/s : Mr.Manoj Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Maner P.S. Case No. 83 of 2022 registered for
the alleged offences under Section 30(a) of the Bihar Prohibition
and Excise Act.

As per prosecution case, petitioner and three other co-
accused persons were loading illicit country made liquor on a
tempo. The petitioner was apprehended from the spot and other
co-accused persons escaped from the spot. On search of the
tempo, recovery of about 200 liters of country made *mahua*

liquor was made.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner is a labourer and merely on suspicion, he has been arrested by the police. The petitioner was only unloading the goods in his tempo and he has no knowledge about the nature of goods so nothing incriminating has been recovered from his conscious possession. Charge sheet has been submitted in this case and the petitioner is in custody since 29.01.2022. The petitioner has got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Court Excise, Danapur (Panta) in connection with Maner P.S. Case No. 83 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following

conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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