

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69123 of 2021**

Arising Out of PS. Case No.-601 Year-2021 Thana- CHAPRA TOWN District- Saran

MITHILESH KUMAR S/O LALAN PRASAD R/o village- Chota Telpa,
Near Police Line, P.S.- Chapra Town, District- Saran at Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary

For the Opposite Party/s : Mr.Anand Kishore Choudhary

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 08-06-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Chapra Town P.S. Case No. 601 of 2021, registered for the offence punishable under Sections 30(a)/41(i)(ii)/37(b) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 140 liters of illicit liquor from a scrap dealer shop, belonging to the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is



having a clean antecedent and he is languishing in custody since 1.11.2021. The learned counsel for the petitioner, by referring to paragraph no. 7 of the present petition, has submitted that the place from where the illicit liquor has been seized is an open space, which does not belong to the petitioner, hence, the petitioner cannot be saddled with the liability of the illicit liquor seized from the said place of occurrence.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the categorical averments made by the petitioner in the present petition regarding him not being the owner of the place from where the illicit liquor was seized, apart from the fact that he is having a clean antecedent and he is languishing in custody since more than seven months, I deem



it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge Excise, Saran at Chapra in connection with Chapra Town P.S. Case No. 601 of 2021.

(Mohit Kumar Shah, J)

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