

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70165 of 2021**

Arising Out of PS. Case No.-597 Year-2021 Thana- DAUDNAGAR District- Aurangabad

MITHILESH KUMAR @ D.C @ DHIRENDRA KUMAR @ DHIRAJ S/o-
Bachchan Yadav R/o Village- Nima, P.S.- Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Adv.

For the Opposite Party/s : Mr. Anant Kumar 1, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 07-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to remove the defects as pointed out by the office within three weeks on resumption of physical mode, failing which the office is directed to place the matter before the Bench.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

Allegation against the petitioner and other accused persons is of transporting and selling the illicit liquor. Total 170.25 litres of foreign liquor was recovered from the Sipha village near rice Mill, Daudnagar.



Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. No any incriminating articles has been recovered from the physical possession or house of the petitioner. On the confessional statement of co-accused, namely, Kunal Kumar, the petitioner has been made accused in this case. He further submits that the petitioner is neither owner nor driver of the seized vehicle and he has no any concerned with the seized liquor and the petitioner has no criminal antecedent, as stated at para 3 of the bail petition.

Learned APP for the State vehemently opposed the prayer for bail petition.

In the aforesaid facts and circumstances of the case, I am inclined to grant anticipatory bail to the above named petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II cum Special Judge (Excise), Aurangabad, in connection with Daudnagar P.S. Case No. 597/2021, subject to the conditions as laid down under Section



438 (2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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