

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24302 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- SURSAND District- Sitamarhi

MITHLESH KUMAR @ MITHILESH KUMAR SON OF RAJNANDAN
RAY @ RAJNANDAN RAY @ RAJNANDAN PATEL RESIDENT OF
VILLAGE- SHIWAEPPATTI WARD NO. 09, PS - BAJPATTI, DIST-
SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 12-05-2023 1. Heard learned counsel for the petitioner and
the learned APP for the State.
2. Petitioner seeks regular bail in connection
with Sursand P.S. Case No.71 of 2023 dated 09.02.2023
registered for the offence(s) punishable under Section(s) 414 of
the Indian Penal Code and Section(s) 30(a) of the Bihar
Prohibition and Excise Act.
3. The main submissions advanced by the
learned counsel for the petitioner are that the instant matter
relates to the recovery of 90 litres of Nepali Saufi liquor and the
same is stated to have been recovered from a motorcycle kept in
two jute bags, as per prosecution the said motorcycle and the
alleged wine were found in the possession of this petitioner but



the said allegation is completely false and the petitioner had no concern either with the alleged motorcycle or with the alleged wine and the petitioner has fair and clean antecedent and has been languishing in jail since 09.02.2023 and against him the investigation has been completed and two police *chowkidars* have been made witnesses of the seizure of the alleged wine and at the time of search and seizure the provisions of Section 100 of Cr.P.C. were not followed.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the petitioner's fair and clean antecedent and the completion of investigation against him, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail in connection with Sursand P.S. Case No.71 of 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

sangam/-

U		T	
---	--	---	--

