

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27897 of 2023

Arising Out of PS. Case No.-83 Year-2021 Thana- MAHESHKHUNT District- Khagaria

Mithlesh Kumar Sah Son of Awadh Prasad Sah Resident of village - Barhara,
Ward No.- 02, P.S.- Khagaria (Muffasil), District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Sumiran Rai, Advocate
		Ms. Anita Kumari, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar No. 3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 17-05-2023 1. Heard learned counsel for the petitioner and the learned
APP for the State.
2. Petitioner seeks regular bail in connection with
Maheshkhut P.S. Case No. 83 of 2021 dated 27.05.2021
registered for the offences punishable under Sections 30(a), 36
and 41(1) of Bihar Prohibition and Excise Act.
3. The main submissions advanced by learned counsel for
petitioner are that the instant matter relates to the recovery of
872.28 litres of foreign liquor and as per prosecution's story, the
alleged liquor was recovered from a vehicle which was found
near a road in accidental condition and the police party arrived
at the place of occurrence after the accident and thereafter
arrested two co-accused persons namely, Sandeep Kumar and
Amlesh Kumar after chase and during interrogation the said

arrested co-accused Sandeep Kumar revealed the name of this petitioner as well as the names of other co-accused persons as being involved in the alleged crime of smuggling of the alleged liquor and except the said disclosure made by the said co-accused before the police, there is no any other material to connect the petitioner to the alleged crime and he is a young person having fair and clean antecedent and has been languishing in jail since 08.02.2023 and against him the investigation has been completed and he was not arrested at the spot of recovery. Further submissions are that the petitioner has enmity with co-accused Amlesh Kumar, owing of which the petitioner's name was disclosed by the said co-accused person and the alleged liquor was not recovered from his conscious possession and he voluntarily surrendered before the trial Court.

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

5. 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 and also the completion of investigation against the petitioner, I deem it fit and proper to admit the petitioner to the privilege of bail.

6. Accordingly, let the petitioner named-above be enlarged on bail in connection with **Maheshkhut P.S. Case No. 83 of 2021** 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)

Shahnawaz/-

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