

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37125 of 2023

Arising Out of PS. Case No.-110 Year-2023 Thana- BISFI District- Madhubani

MITHILESH RAI S/O SHTRUDHAN RAI R/O Village- Kailachak, Ward
No.-12, P.S- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Bisfi
P.S. Case No. 110 of 2023 registered for the offences punishable
under Sections 420, 467, 468, 471, 120(B) of I.P.C. and Section
30(a), 32, 41 of the Bihar Prohibition and Excise Amendment
Act.

As per prosecution case, there is alleged recovery
of 347.355 whiskey from truck in question. The petitioner being
the driver of said truck apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 07.04.2023. Petitioner bears no
criminal antecedent. Learned counsel further submits that the
petitioner is innocent and has committed no offence as alleged



in the F.I.R. Petitioner has falsely been implicated in the present case. Nothing has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 of the Cr.P.C.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner, also taking into consideration the material available on record and argument advanced on behalf of the parties, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-2-cum-Special judge, Excise Act, Madhubani in connection with Bisfi P.S. Case No. 110 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for



cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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