

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 44206 of 2023

Arising Out of PS. Case No.-962 Year-2021 Thana- KUDHNI District- Muzaffarpur

MITHILESH KUMAR son of Surendra Rai Village- Ghazi Kamtaul Ps-
Kudhani Dist- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Kumari Vandana, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Kudhani P.S. Case No- 962 of 2021 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition Excise Act, 2016. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that 80.625 litres of illicit foreign liquor was recovered from the cow dung manure, behind the house of the petitioner. Then the seizure list of the recovered item was prepared and the case against the petitioner was registered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in



this case. It is submitted that the petitioner has no concern with the alleged seized liquor.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the submission that the alleged recovery of illicit liquor has been made from a place behind the house of the petitioner where the cow dung manure are being stored and this petitioner has otherwise no criminal antecedent, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Kudhani P.S. Case No- 962 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Court No.- II, Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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