

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52356 of 2023

Arising Out of PS. Case No.-170 Year-2023 Thana- JADIA District- Supaul

Mithlesh Kumar Son Of Narayan Yadav Resident Of Village - Thakur Bari
Ward No.5, P.S. - Jadia, District- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Prakash Shrarma, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
24.06.2023 in connection with Jadia P.S. Case No. 170 of 2023,
F.I.R. dated 24.06.2023 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act.

4. Recovery is of 301.68 liters of foreign liquor.

5. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from
perusal of the F.I.R as well as seizure list nothing has been



recovered from the conscious possession of the petitioner rather the recovery has been made from the tempo in question and from the house of the co-accused, namely, Sunil Kumar. He further submits that the petitioner was apprehended at the spot and the petitioner has no concern at all with the illicit liquor or the tempo in question or the co-accused person and merely on the basis of the suspicion, the petitioner has falsely been implicated in this present case. The petitioner is in custody since 24.06.2023.

6 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances, and the petitioner has clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge no.-I, Supaul in connection with Jadia P.S. Case No. 170 of 2023, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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.

(Rajesh Kumar Verma, J)

Vanisha/-

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

