

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66144 of 2023

Arising Out of PS. Case No.-192 Year-2023 Thana- RAJAOLI District- Nawada

=====

MITHLESH KUMAR @ MITHLESH PRASAD @ MITHILESH PRASAD
@ MITHLESH YADAV SON OF LAKSHMAN YADAV @ LAKSHMAN
PRASAD YADAV RESIDENT OF VILLAGE- MOHKAMA, PS- RAJOULI,
DISTT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection
with Rajouli P.S. Case No. 192 of 2023 dated 03.04.2023,
instituted for the offence punishable under Section 30(a)/41 of
the Bihar Prohibition and Excise Act.

3. Allegation is of recovery of 75 litres country
made *Mahua* liquor from three motorcycles.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and he has been falsely implicated in
this case. It is further submitted that petitioner has been made
accused in this case only on the basis of confessional statement
of Santosh Kumar. Neither the petitioner has been arrested at the



spot nor any articles were recovered from the conscious possession or from house of the petitioner. It is submitted that petitioner has no concern with the seized three motorcycles. Petitioner is neither driver nor the owner of the seized three motorcycles in question. Lastly, it has been submitted that petitioner has three criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Rajouli P.S. Case No. 192 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-2, Nawada, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister



and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

prabhat/-

U			
---	--	--	--

