

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70073 of 2023

Arising Out of PS. Case No.-97 Year-2023 Thana- SARAIYA District- Muzaffarpur

MITHILESH @ MITHILESH RAI @ MITHLESH KUMAR, aged about 29 years, Male, S/O VINOD RAY, R/O VILLAGE- KUTRUM KOLHUA, P.S- SARAIYA, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-11-2023 Heard Mr. Manoj Kumar, learned counsel appearing on behalf of the petitioner and Mr. Gauri Shankar Gupta, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Saraiya P.S. Case No. 97 of 2023 dated 16.02.2023 registered for the offence(s) punishable under Sections 272/273 of IPC and Sections 30(a), 32(ii)(iii), 41(i) of the Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, 461.385 litres of illicit foreign liquor was recovered from maize fields, which are behind the house of the petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of liquor has been made from the maize field of Jamadar Rai and mustard field of



Baijnath Rai. It is further submitted that the petitioner has been made accused in this case just because the maize field and the mustard field are behind his house. It is lastly submitted that the petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that there is every likelihood that petitioner is involved in selling of huge quantity of liquor and in order to save his face, he has stored the illicit liquor in maize and mustard fields of the Jamadar Rai and Baijnath Rai.

6. Having considered the rival submissions made on behalf of the parties, the fact which has to be assessed at this stage is that, as to whether, the petitioner is directly involved with the trade of liquor but the same remains a point of investigation, however, no recovery of illicit liquor has been made from the house of the petitioner, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of **Rs. 4,00,000/- (Rupees Four**



Lacs) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Court-II, Muzaffarpur in connection with Saraiya P.S. Case No. 97 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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