

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71566 of 2023

Arising Out of PS. Case No.-207 Year-2023 Thana- TAJPUR District- Samastipur

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MITHILESH CHOUDHARY @ MITHILESH KUMAR SINGH @
MITHILESH SINGH @ MITHILESH SINGH son of Late Gultan Singh
Resident of Village- Rajkha Rampur PS- Tajpur Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-11-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Tajpur P.S. Case no.207 of 2023 registered under sections 30(a) and 41(i)(ii) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, on search being conducted, it is stated that while the accused persons abandoned the pick up vehicle and managed to escape, on search 898.23 litres of IMFL was recovered. The accused persons named in the F.I.R. including the petitioner herein were identified by the local villagers.

4. Learned counsel for the petitioner submits that neither the petitioner was arrested at the spot nor any



incriminating article recovered from his possession. He has no concern with the seized liquor nor with the vehicle from which it is alleged to be seized. The cause of false implication is his antecedent. He is in custody since 28.8.2023 and chargesheet has been submitted in the case.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the petitioner not having any concern with the seized vehicle, being in custody since 28.8.2023 and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Tajpur P.S. Case no.207 of 2023 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Court-2, Samastipur.

(Partha Sarthy, J)

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