

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72193 of 2022

Arising Out of PS. Case No.-394 Year-2022 Thana- RIVILGANJ District- Saran

MITHILESH KUMAR S/o Sri Kubair Bhagat R/o village- Khosar, P.S.-
Kosar, Distt- Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-02-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Rivilganj P.S. Case No. 394 of 2022, registered for the offence punishable under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 208.50 liters of illicit Indian made foreign liquor from a Swift Dzire Car and the petitioner is stated to be one of the passenger of the said car, who was apprehended from the spot.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 16.11.2022. The learned counsel for the petitioner has referred to paragraph 8 of the present petition to submit that the car in question does not belong to the petitioner.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the car in question does not belong to the petitioner, apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since 16.11.2022, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner



is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-2, Saran at Chapra in connection with Rivilganj P.S. Case No. 394 of 2022.

(Mohit Kumar Shah, J)

Ajay/-

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

