

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79799 of 2023

Arising Out of PS. Case No.-490 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Mithilesh Rai Son of Shivji Ray Resident of village - Madhopur Susta, P.S.-
Maniyari, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kuchaikote P.S. Case No. 490 of 2023 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. As per prosecution case, petitioner is said to
have apprehended from Tata vista car in question and on search
421 litre illicit liquor has been recovered from the dicky and
middle seat of the said vehicle.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 28.09.2023 and bears no criminal
antecedent. Charge sheet has been submitted in the case and
there is no likelihood of tampering with the prosecution



evidence. He further submits that petitioner being a driver of the vehicle in question has to follow the instruction of his owner to earn livelihood. Basically, nothing has been recovered from his conscious possession. Petitioner has no knowledge regarding alleged recovery. Petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-IV-cum-Spl.Excise Court No. II, Gopalganj in connection with Kuchaikote P.S. Case No. 490 of 2023 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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