

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43996 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- JAGDISHPUR District- Bhojpur

Mithilesh Singh, Male, aged about 51 years, Son of Lakhan Dev Singh @ Lakhandev Singh, Resident of Village- Ashni, P.S.- Udwantnagar, District- Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 16-07-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Jagdishpur P.S. Case No. 19 of 2024 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 50 liters country made Mahua liquor has been recovered from the accused persons.

4. Learned counsel for the petitioner submits that petitioner is innocent has committed no offence and has falsely been implicated in this case. He further submits that the name of the petitioner has been dragged in this case only for the reason that he happens to be the owner of a motorcycle bearing



Registration No. BR03AL-9137. He next submits that that the occurrence is alleged to have taken place in a crowded area, however, during investigation, not a single witness has come forward to support the prosecution case. Seizure list witnesses are not independent witness but official witness. Petitioner has got clean antecedent as stated in para 3 of the petition.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Exclusive Special Excise Court No.1st, Bhojpur at Ara dated 07.05.2024, it appears that nothing has been recovered from the conscious possession of the petitioner. It is also the admitted fact that the seized motorcycle belonging to the registered owner Mithilesh Singh (petitioner) and Aakash Deep and Guddu Kumar were driver and pillion rider of the said vehicle through which the illicit liquor was carrying. The said Aakash Deep is the son of the petitioner. There is no any independent witness of the seizure list.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner above named in the event of his arrest or surrender before the Court below within six weeks from today, be released on 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-1st, Bhojpur, Ara in connection with Jagdishpur P.S. Case No. 19 of 2024, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Ramesh Chand Malviya, J)

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