

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46999 of 2024

Arising Out of PS. Case No.-895 Year-2023 Thana- SARAIYA District- Muzaffarpur

MITHLESH SINGH @ MITHLESH KUMAR SINGH S/O LATE
AWADHESH SINGH R/O VILLAGE- NAWADA, P.S- JAIPUR O.P.
UNDER SARAIYA POLICE STATION, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K., Advocate

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

- 2 12-07-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner apprehends his arrest connection with
Saraiya P.S. Case No. 895 of 2023 instituted for the offences
punishable under Sections 272, 273/34 of the Indian Penal Code
and Sections 30(a), 32(2), 32(3), 36, 41(1), 41(2) of the Bihar
Prohibition and Excise Act.
3. The prosecution case, in short, is that total 1110.96
litres of Indian made foreign liquor was recovered from pickup
vehicle.
4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious



possession of the petitioner. Learned counsel further submitted that petitioner is neither the owner nor the driver of the vehicle. The petitioner has got no concern with the alleged recovery of liquor. The petitioner has nine criminal antecedents but only two cases of similar nature. Learned counsel further submitted that petitioner is on bail in all the cases which are pending against him. There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of arrest/surrender before the lower court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Saraiya P.S. Case No. 895 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

Alok Verma/-

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