

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55174 of 2024

Arising Out of PS. Case No.-138 Year-2024 Thana- LALGANJ District- Vaishali

Mithilesh Kumar Son Of Achchelal Rai@ Achhelal Yadav Resident Of
Village - Batraul, P.S. - Lalganj, District - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Lalganj P.S. Case No. 138 of 2024, registered for the alleged offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, police received secret information about petitioner carrying foreign liquor on his motorcycle and a checking was started. On seeing the police party, two persons riding a black colour motorcycle tried to run away from the spot and one of the persons was apprehended and another was successful in escaping from the spot. The apprehended co-accused named this petitioner who fled away from the spot. From the said motorcycle, recovery of 16.125 liters of foreign liquor was



made.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioner. The petitioner has no concern either with the seized liquor or the seized motorcycle. Except for the confessional statement of co-accused, there is nothing against the petitioner, who is having antecedent of two cases of the year 2019.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that the petitioner is having antecedent of similar nature of two cases.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and also considering the absence of material to connect the petitioner with the offence as alleged and further considering the possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Lalganj P.S.



Case No. 138 of 2024, subject to the condition laid down under
Section 438(2) of the Code of Criminal Procedure and other
following conditions:

- (i) One of the bailors will be a close relative of the
petitioner.
- (ii) The petitioner will remain present on each and
every date fixed by the court below, if so required
by the learned trial court.

(Arun Kumar Jha, J)

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