

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53236 of 2024**

Arising Out of PS. Case No.-176 Year-2024 Thana- RAFIGANJ District- Aurangabad

Mithalesh Yadav son of Late Sadhu Yadav Village- Karma Masud Ps-  
Rafiganj Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Aman Vishal, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      28-08-2024                      Heard learned counsel appearing on behalf of  
  
the petitioner and learned Additional Public Prosecutor  
  
appearing on behalf of the State.

2. The accused/petitioner is named in the F.I.R.  
  
and apprehended his arrest in connection with Rafiganj P.S.  
  
Case No. 176 of 2024 registered for the offences punishable  
  
under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to  
  
be engage in illegal trading/manufacturing of illicit liquor,  
  
where, there is recovery of 14 litres of IMFL/country  
  
made liquor.

4. Learned counsel appearing on behalf of the



petitioner submitted that alleged recovery of illicit liquor was made from an open place i.e., behind the temple, where involvement of this petitioner appears out of secret information, who is a man of clean antecedent. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnels.

5. Learned APP appearing on behalf of the State, opposes the prayer for bail.

6. In view of aforesaid facts and circumstances and by taking note of the fact as recovery of illicit liquor prima facie not appears to be made from the conscious physical possession of this petitioner, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Court No.1, Aurangabad/concerned Court below where the case is pending in connection with



Rafiganj P.S. Case No. 176 of 2024 subject to the conditions  
as laid down under Section 438(2) of the Cr.P.C.

**(Chandra Shekhar Jha, J.)**

S.Tripathi/-

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