

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 71657 of 2024

Arising Out of PS. Case No.-234 Year-2022 Thana- KOCHAS District- Rohtas

Mithilesh Singh @ Mithilesh Kumar Singh Son of Ram Pravesh Singh
Resident of Village- Kaura, Police Station -Jagdishpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 27-09-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner apprehends his arrest in connection with Kochas P.S. Case No. 234 of 2022 dated 28.07.2022, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per allegation 253.840 litres of liquor was recovered from a vehicle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is neither driver nor owner of the vehicle in question and his name has transpired in the confessional statement of co-accused, who is the driver of the vehicle saying that he was going to supply the illicit liquor



to the accused petitioner but there is no other material on record in support of such allegation. He also submits that co-accused Suraj Kumar Verma and Munna Kumar have been granted regular bail by this Court vide order dated 06.01.2023 passed in Cr. Misc No. 64466 of 2022 and Cr. Misc No.70215 of 2022.

5. It is stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedent.

6. It is also stated in paragraph no. 2 of the petition that petitioner has not moved this Court earlier either for regular bail or anticipatory bail.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Excise Court No.2-cum-Additional District and Sessions Judge, Rohtas at Sasaram in connection with Kochas P.S. Case No. 234 of 2022, subject to



the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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