

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74294 of 2024

Arising Out of PS. Case No.-414 Year-2024 Thana- SULTANGANJ District- Bhagalpur

Mithilesh Kumar @ Mithilesh Sah @ Mithlesh Kumar, Male, aged about 33 years, S/O Binod Sah, R/O Village- Mirzapur, P.S- Sultanganj, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party : Mr. Indu Kumari Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 08-10-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Special Excise No. 3368 of 2021, arising out of Sultanganj P.S. Case No. 414 of 2024 dated 02.09.2024 registered for the offence punishable under Section 39(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 151.75 litres of foreign liquor was recovered from the house/shop built in the shop of the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that no incriminating article has



been recovered from the conscious possession of the petitioner rather the same has been recovered from the joint shop of the petitioner and his brother co-accused Santosh Kumar. There is no statutory compliance of Section 100 of the Cr.P.C. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 02.09.2024.

5.Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge-II, Bhagalplur, in connection with Special Excise No. 3368 of 2021, arising out of Sultanganj P.S. Case No. 414 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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