

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86585 of 2023

Arising Out of PS. Case No.-96 Year-2023 Thana- NOORSARAI District- Nalanda

Mithlesh Yadav @ Mithilesh Kumar Son of Rajkumar Yadav Resident of
Village - Mathurapur, P.S.- Noorsarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 31-01-2024 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Noorsarai PS case no. 96 of 2023, disclosing
offences punishable under Sections 272, 273 of the Indian Penal
Code and Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2018.
3. The prosecution story, as per the First Information
report, is that police got secret information that petitioner along
with other accused persons was engaged in manufacturing
illicit liquor near the bank of the river at village- Mathurapur.
On the said information, when the police personnel reached near
the place of occurrence, three persons started fleeing away, upon
seeing police party and two of them succeeded in the same



while one person namely Rajeev Kumar was arrested, who disclosed the name of the petitioner and other absconded person. From the place of occurrence, police recovered 05 liters of illicit liquor, one gas cylinder and other articles used for manufacturing liquor.

4. Learned Counsel for the petitioner submits that petitioner is innocent having no criminal antecedent and he has falsely been implicated in this case on the basis of secret information received by the police. He further submits that petitioner has been dragged in this case on the basis of disclosure of his name by the arrested co-accused Rajeev Kumar and illicit liquor has not been recovered from his conscious possession or premise belonging to the petitioner.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that petitioner has a clean antecedent and no illicit liquor has been recovered either from his conscious possession or from the premise belonging to him, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, be



released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV-cum-Special Judge, Excise-2, Nalanda at Biharsharif in connection with Noorsarai PS case no. 96 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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