

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4848 of 2025

Arising Out of PS. Case No.-276 Year-2024 Thana- BELHAR District- Banka

MITHUN SHAIKH @ MD. MITHUN SHAIKH S/o KARIM MIYAN RESI-
DENT OF VILLAGE- GORGAMA, PS- BELHAR, DISTRICT- BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Singh, Advocate

For the Opposite Party/s: Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-02-2025 Heard Mr. Om Prakash Singh, learned counsel for the
petitioner and Mr. Dilip Kumar No.1, learned A.P.P. for the
State.

2. The petitioner seeks for bail in a case registered for the
offences punishable u/s 30 (a) of Bihar Prohibition and Excise
Amendment Act, 2022.

3. Altogether 76 liters of country made liquor is said to
have been recovered from the spot.

4. It is submitted by learned counsel for the petitioner that
the petitioner is quite innocent and has committed no offence.
No incriminating article has been recovered from the conscious
physical possession of the petitioner. He has no concern either
with the seized liquor or any trade of liquor. He has been falsely
implicated in this case at the instance of his enemy. His name



transpired in the case only on the basis of suspicion. Petitioner has eight criminal antecedent out of which four are in similar nature of offence and he has been in judicial custody since 02.12.2024.

5. Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in the account of Lawyer's Association Welfare Benevolent Fund, Patna, bearing Account No.7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in connection with Belhar P.S. Case No.276 of 2024, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will



inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the Lawyer’s Association Welfare Benevolent Fund, Patna.

(Anjani Kumar Sharan, J)

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