

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4852 of 2025

Arising Out of PS. Case No.-141 Year-2024 Thana- BELHAR District- Banka

Mithun Shaikh @ Md. Mithun Shaikh, (Male), aged about 28 years, son of
Karim Miyan, R/O village- Gorganwan, P.S.- Belhar, Dist- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Om Prakash Singh, Advocate

For the Opposite Party : Mr. Anand Kishore Choudhary, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 27-03-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Belhar
P.S. Case No. 141 of 2024 dated 18.04.2024 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 75 litres of country
made liquor is said to have been recovered from the house of the
petitioner and total 225 litres of country made liquor is said to
have been recovered from his field which is situated in front of
his house.

4. Learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in the



present case. The petitioner was not arrested at the place of occurrence i.e., the alleged house of the petitioner, moreover, none of the inmates of the house was also found at the place of occurrence. It is further submitted that the names of the petitioner and other co-accused persons have surfaced in the present case only on the basis of disclosure made by the local Coukidar. It is further submitted that the petitioner was allowed anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 53233 of 2024 under order dated 02.08.2024 but he was not released on anticipatory bail since there was condition that the learned court below shall verify the criminal antecedent of the petitioner and in the event it is found that the petitioner has antecedent of more than three cases in that event anticipatory bail order shall not be given effect to, annexed as Annexure-P/1 to the present bail petition. The petitioner has eight criminal antecedents as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 02.12.2024.

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

6. Considering the aforesaid facts and circumstances of the case as well the period of custody, 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 Exclusive Special Excise Court-I at Banka in connection with Belhar P.S. Case No. 141 of 2024 with further condition:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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