

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26262 of 2025

Arising Out of PS. Case No.-1298 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Mithilesh Kumar @ Mithilesh King S/o Shankar Das R/o vill - Kahara Kutti,
P.S.- Saharsa, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-05-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Saharsa Sadar P.S. Case No. 1298 of 2024 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 26.11.2024 by the informant, Sanoj Verma.

3. As per the prosecution story, the informant alleged that upon secret information during patrolling, found a person trying to escape. He was apprehended, gave his name as Sujeet Kumar and from a safety tank, there is recovery/seizure of 950 bottles of cough syrup. He gave the name of the person who escaped as Mithilesh Kumar (petitioner herein). This led to the FIR.

4. Learned counsel for the petitioner submits that



admittedly, recovery is from Sujeet Kumar and not from his conscious possession, due to enmity he has been named as he has criminal antecedents.

5. Learned APP opposes the prayer submitting that the person apprehended has given his name.

6. Taking into account the submissions of the parties as also that nothing has been recovered from his conscious possession and his name has come in the confessional statement, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge (Excise) II, Saharsa in connection with Saharsa Sadar P.S. Case No. 1298 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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