

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33292 of 2025

Arising Out of PS. Case No.-404 Year-2024 Thana- BIRPUR District- Supaul

Mithlesh Kumar @ Mithu Paswan S/o Sualal Paswan R/o Koshikapur Ward
no 6,Birpur, Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-05-2025

Heard the parties

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Birpur P.S. Case No. 404 of 2024 registered for the offences punishable under Section 30(a) of the Excise Act.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 113.400 liters of country made liquor.

4. It is submitted by learned counsel appearing on behalf of the petitioner that alleged recovery of illicit liquor was made from hayrick. It is submitted that name



of petitioner transpired on the basis of disclosure made by local *chawkidar* and therefore it can be safely said that recovery was not made from the physical possession of this petitioner, who said to be involved in five more criminal cases of similar nature, where he is on bail. It is submitted that one of the reason for implicating petitioner with present case is the suspicion arising out of his criminal antecedents. It is submitted that if the merit of case otherwise appears convincing in favor of petitioner, merely on the basis of criminal antecedents ordinarily the bail prayer of petitioner should not be denied. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Prabhakar Tewari vs. State of Uttar Pradesh and Anr.*** reported in ***(2020) 11 SCC 648.***

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual and legal submission and by taking note of fact as, recovery of illicit liquor *prima-facie* not appears to be made from the



conscious physical possession of this petitioner, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise II, Supaul/ concerned Court, where the case is pending in connection with Birpur P.S. Case No. 404 of 2024, subject to the conditions as laid down under Section 482(2) of BNSS, subject to further condition:-

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.”

(Chandra Shekhar Jha, J)

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