

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35998 of 2025**

Arising Out of PS. Case No.-28 Year-2025 Thana- RAJNAGAR District- Madhubani

Mithilesh Kumar @ Langari son of Kishore Rai Village- Mirjapur Rajnagar
PS -Rajnagar Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Madhumita Singh, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 30-06-2025 Heard Ms. Madhumita Singh, learned counsel for the

petitioner and Mr. Mukesh Kumar Singh, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
18.04.2025, in connection with G.R. No. 115 of 2025 arising out
of Rajnagar P.S. Case No. 28 of 2025, F.I.R. dated 24.01.2025
registered for the offences punishable under Sections 274, 275,
3(5) of Bhartiya Nyay Sanhita and Sections 30(a), 47 of Bihar
Prohibition and Excise Act.

3. Recovery is of 469.14 litres of *foreign* liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that it appears from the F.I.R. as
well as seizure list that nothing has been recovered from the



conscious possession of the petitioner rather recovery has been made from the vehicle in question and the alleged as alleged in the F.I.R. that the petitioner and other accused persons have fled away from the place of occurrence and on the basis of secret information, it has come during investigation that petitioner was one of the person who was fleeing away from the place of occurrence. He further submits that the petitioner is neither the driver nor the owner of the vehicle in question and he has no concern at all with the alleged occurrence or the vehicle in question. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 18.04.2025.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the name of the petitioner has been transpired on the basis of secret information and apart from that petitioner carries seven more cases of similar nature except one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Special Judge, Excise Court, Madhubani in connection with G.R.
NO. 115 of 2025 arising out of Rajnagar P.S. Case No. 28 of 2025,
subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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