

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38815 of 2025

Arising Out of PS. Case No.-100 Year-2025 Thana- RAXAUL District- East Champaran

Mithilesh Gupta @ Mithlesh Kumar S/O Late Suresh Prasad R/O Village-
Naga Road Kali Nagari Ward no. 11, Raxaul, P.S- Raxaul, Distt.- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Roshan Kumar

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 27-06-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The instant application for anticipatory bail

has been filed by the petitioner apprehending his arrest in

a case instituted for the offence punishable under Section

30(a) of Bihar Prohibition & Excise Act.

3. The prosecution case relates to recovery of

45.600 litres of illicit Nepali liquor from the premises of

co-accused Rajesh Prasad, which was under the tenancy

of the petitioner.

4. Learned counsel appearing on behalf of the



petitioner has submitted that petitioner is innocent and has committed no offence. He has no concern with the alleged recovery or with the place of occurrence. The name of petitioner sprang up in this case on the disclosure of local Chowkidar as a person who fled away from the place of seizure. It is further submitted that alleged wine was recovered from the room of co-accused Rajesh Prasad, who is admittedly, the owner of the aforementioned house. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. Moreover, proper procedure of search and seizure has not been followed in this case.

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

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court



below within a period of four weeks from today and in the event of his arrest or surrender in connection with Raxaul P.S. Case no. 100 of 2025, he will be enlarged 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 Exclusive Special Excise Court III, East Champaran, Motihari, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

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