

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67403 of 2025

Arising Out of PS. Case No.-252 Year-2025 Thana- KHUSRUPUR District- Patna

Mithilesh Kumar S/o Kamal Ray R/o Village- Ganichak Baikatpur, P.S.-
Khusrupur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Khusrupur P.S. Case No.252 of 2025, dated
09.07.2025, registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2022.

3. As per allegation, 206.15 litre of illicit liquor has
been recovered from government boring room and as per the
local people, it is the petitioner and other co-accused, who used
to store this illicit liquor as a part of illicit business of liquor.

4. Learned counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this
case. He further submits that the recovery of the contraband has



been made from an open space and hence, the petitioner has nothing to do with the alleged offence. He further submits that the place of recovery is accessible to the public at large and hence, the petitioner cannot be implicated on account of such recovery. There is no cogent material to connect the petitioner with the alleged offence. Hence, no *prima facie* case is made out against the petitioner and the present anticipatory bail petition is maintainable.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has one criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned concerned Court Below, in connection with Khusrupur P.S. Case No.252 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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