

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71868 of 2025

Arising Out of PS. Case No.-188 Year-2025 Thana- BHAGWAN BAZAR District- Saran

Mithlesh Rai @ Chulha S/O Jeetendra Rai @ Kariya Rai R/O Chhota
Brahmpur, Police Station- Bhagwan Bazar, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Harshvardhan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-10-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Bhagwan Bazar P.S. Case No. 188 of 2025 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, on suspicion, a motorcycle rider was signaled to stop but he fled away leaving behind his motorcycle and a sack which was tied with the motorcycle. From the sack tied with the motorcycle, recovery of 50 liters of country made liquor was made. The name of the petitioner transpired in the statement of the persons who assembled at the spot after the petitioner fled away.

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. It is clear from the FIR that nothing incriminating has been recovered from the person or possession of the petitioner and the said recovery is from the motorcycle on road which was not from the possession of the petitioner. The petitioner is not even the owner of the vehicle. The petitioner is having antecedent of similar nature of offence and he is in custody since 04.08.2025 and charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the possession of the petitioner and further considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Saran at Chapra/court concerned in connection with Bhagwan Bazar P.S. Case No. 188 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

(i) One of the bailors will be a close relative of



the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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