

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3199 of 2025

Arising Out of PS. Case No.-242 Year-2024 Thana- MAKER District- Saran

Mithilesh Kumar Singh @ Mithilesh Singh @ Mithlesh Singh S/O Shambhu
Singh R/O Village- Dadanpur, P.S- Maker, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-02-2025 Heard Mr. Dewendra Narayan Singh, learned counsel for
the petitioner and Mr. Dilip Kumar No.1, learned A.P.P. for the
State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 274, 275 of the
B.N.S.S. and Section 30(a) of the Bihar Prohibition and Excise
Act.

3. Altogether 845 litres of spirit liquor has been recovered
from village Haijalpur Nut Toli near Kerwani (Banana Orchard).

4. It is submitted by learned counsel for the petitioner that
the petitioner is quite innocent and has committed no offence.
No incriminating article has been recovered from the conscious
possession of the petitioner or from his house. He has no
concern either with the seized liquor or the place of recovery or



any trade of liquor. The allegation levelled against the petitioner is totally false and based on concocted facts. He was not apprehended on the spot. The alleged place of recovery is an open place and does not belong to the petitioner. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. Learned counsel further submits that petitioner has one criminal antecedent as mentioned in para 3 of the bail application

5. Petitioner is agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) in the account of Lawyers' Association Welfare Benevolent Fund, bearing Account No. 7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Maker P.S. Case No. 242 of 2024, subject to the condition as laid down under Section 482 (2) of the B.N.S.S.,



2023, subject to the further conditions that

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Lawyers' Association Welfare Benevolent Fund.

(Anjani Kumar Sharan, J)

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