

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59634 of 2018

Arising out of P.S. Case No.-162 Year-2018 Thana-
BAIKUNTHPUR District- Gopalganj

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Mithlesh Rai S/o Ramayan Rai, R/o Vill.- Bahrapur, P.S.-
Baikunthpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 06-10-2018 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case registered for offences under Section 402/34 of the Indian Penal Code and Sections 30 (a) and 41 (i)(ii) of the Bihar Prohibition and Excise Act, 2016.

It is contended that, as per allegation, 1260.40 litres of foreign liquor was recovered from the truck and one Gopal Sharma, who was apprehended at the place of occurrence, has disclosed the name of the petitioner on the basis of which the petitioner has been implicated in this case. It is contended that the petitioner has no concern with the alleged illicit liquor. It is



contended that he had no knowledge as to how and where illicit liquor was loaded on the said vehicle. Nothing has been recovered from the conscious possession of the petitioner. It is contended that similarly situated co-accused persons have been enlarged on bail by a Co-ordinate Bench of this Court vide orders dated 16.08.2018 and 18.08.2018 passed in Cr. Misc. Nos. 50373 of 2018 and 50188 of 2018. It is stated in paragraph 3 of the bail petition that the petitioner is accused in four other cases. It is urged that the petitioner is in custody since 09.08.2018.

Considering the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on their furnishing bail bonds of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-II-cum-Special Judge, Excise, Gopalganj in connection with Baikunthpur P.S. Case No. 162 of 2018 with a condition that if the petitioner, after his release in this case, is again found to be involved in criminal case of similar nature, the court concerned would be at liberty to take steps for cancellation of his bail bonds.

In view of the antecedent of the petitioner, he would be required to appear before the Superintendent of Police,



Gopalganj within fifteen days of his release with a copy of this order and every month thereafter for the next six months. The conduct of the petitioner will be kept under watch in the aforesaid period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned which should be granted by the Superintendent of Police concerned upon his appearance.

(Dr. Ravi Ranjan, J)

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