

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70342 of 2018

Arising Out of PS. Case No.-268 Year-2018 Thana- BATHNAHA District- Sitamarhi

Birendra Kumar, S/o Ram Bahadur Mahto, Resident of Village- Madhesara,
P.S.- Sonbarsa , District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Jagdish Prasad, Advocate

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 03-12-2018 Sri Jagdish Prasad, learned counsel submits that the present bail petition was filed through his junior Sri Virendra Kumar, learned counsel. This bail petition was prepared in his guidance, i.e. Sri Jagidsh Prasad, however “Vakalatnama” could only be executed by Sri Virendra Kumar. He submits that due to serious ailment Sri Virendra Kumar has been admitted in hospital. He further submits that brief belongs to his Office . Of -course he has not executed “Vakalatnama” he was instructed by Sri Virendra Kumar , learned counsel on record to argue the case. Sri Prasad is permitted to appear in this case on this submission.

Heard Sri Jagdish Prasad, learned counsel for the petitioner and learned Additional Public Prosecutor.

The sole petitioner, who is in custody in connection



with Bathnaha P.S. Case No. 268 of 2018 registered for the offence under Section 272/ 273/34 of the Indian Penal Code, 1860 and Section 30 (A) of the Bihar Prohibition and Excise Act, 2016 has prayed for grant of bail.

At the very outset learned counsel for the petitioner has drawn my attention to the statement made in paragraph 3 of the petition to show that petitioner is having clean antecedent. He further submits that petitioner is the driver of a Pick -Up Van and in the present case he has falsely been made accused since his Pick- Up Van was found standing near an another Pick -Up Van which was stopped due to Break down. He submits that from the Pick- Up Van which was stopped on the road due to Break down Police has recovered huge quantity of Nepali Saufi wine and since petitioner's vehicle was there the petitioner was apprehended and he is languishing in jail since 25.09.2018. He has specifically drawn my attention to the seizure list attached with the F.I.R. to show that from the Pick -Up Van of the petitioner nothing was recovered.

Be that as it may, considering the nature of accusation, clean antecedent of the petitioner as well as period of custody, let the petitioner - Birendra Kumar be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand)



with two sureties of the like amount each to the satisfaction of
learned A.D.J. II cum Special Judge, Excise Act, Sitamarhi /
concerned court in connection with Bathnaha P.S. Case No.
268 of 2018 .

(Rakesh Kumar, J)

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