

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16139 of 2021**

Arising Out of PS. Case No.-634 Year-2020 Thana- DIGHA District- Patna

1. MITHUN KUMAR Son of Laxmi Narayan Rajak Resident of Village - Kurji Balupar, Sadaquat Ashram, P.S.- Digha, Distt.- Patna.
2. Ravi Ranjan Singh @ Raviranjana Son of Jitendra Singh Resident of Village - Kothiya Vikash Nagar, Kurji , P.S.- Digha, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Suresh Pd Singh No.1,Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 24-06-2021 At the outset, learned counsel for the petitioner has pointed out that there is a spelling mistake in the name of the petitioner printed in the cause list.

Let the correction be carried out in the name of the petitioner as 'Mithun Kumar' in place of 'Mtihun Kumar'.

Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Digha P.S. Case No. 634 of 2020 registered for the offences punishable under Sections 272, 273



of the Indian Penal Code and Section 37(a), 37(b) and 30(a) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story, on secret information the informant along with other police personnel raided the house of one Sanjish Kumar and apprehended some persons including this petitioner. On search, total 86.28 liters of illicit liquor in different bottles were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no recovery from the conscious possession of the petitioner. The petitioner is in jail since 07.12.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein so far as this petitioner is concerned, he has been made accused while he was in drunken condition, the recovery is not from his house, the petitioner has no criminal antecedent and has remained in jail in connection with the present case since 07.12.2020, investigation against him is complete but the trial is not likely to be taken up in near future, considering all



these aspects, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise at Patna in connection with Digha P.S. Case No. 634 of 2020 (Special Case No. 7077 of 2020), subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

The office will do the needful for correction in the name of the petitioner.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

