

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17401 of 2021

Arising Out of PS. Case No.-7 Year-2021 Thana- BAHADURGANJ District- Kishanganj

HITESH KUMAR MISHRA SON OF SANTOSH KUMAR MISHRA R/O -
SAKIN-JHARHAR HARIPUR, P.S.- JALALABAD, DISTRICT-
SHAHJAHANPUR (U.P.) Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 13-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 272 and 273 of the Indian Penal Code and sections 30(a), 35, 36 and 41 of the Bihar Prohibition and Excise Act, 2016.

As per allegations in the FIR, 2865 litres of liquor was recovered from the truck of the petitioner.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from his possession or his truck. He has been falsely implicated in the case. His case stands on a similar footing to that of co-accused Aakash Tiwary who has been enlarged on bail vide order dated 14.7.2021 passed in Cr. Misc. no. 18028 of 2021 and Saurav Rai who has been enlarged on bail vide order dated 27.5.2021



passed in Cr. Misc. no. 23996 of 2021. The petitioner is in custody since 8.1.2021 and has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including grant of bail to the aforesaid two co-accused and the petitioner having remained in custody for over 7 months, the Court directs the petitioner to be enlarged on bail in connection with Bahadurganj P.S. Case no. 7 of 2021 (Special Case no. 15 of 2021) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge II-cum-Special Judge, Excise Act, Kishanganj subject to the condition that one of the bailors of the petitioner shall be his close relative and the other bailor shall be a resident of the area under the jurisdiction of the learned Court below.

(Partha Sarthy, J)

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