

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33091 of 2021

Arising Out of PS. Case No.-156 Year-2020 Thana- MUSRIGHRARI District- Samastipur

MITHILESH KUMAR MAHTO @ MITHILESH KUMAR Son of Ram Jee
Mahto Resident of village - Salaimpur Barbatta, P.S.- Musrigharari, District -
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through
Video Conferencing from their residence.)

3 06-08-2021

Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition & Excise Act, 2016.

Allegation is recovery of 34.14 litres illicit liquor
from a bush kept near the house of the petitioner.

It has been submitted on behalf of the petitioner that
petitioner is innocent and has falsely been implicated in this
case due to village politics. It is further submitted that petitioner

was neither apprehended on the spot not any illicit liquor was recovered from his conscious possession. It is further contended that the land in question from where the alleged recovery has been made does not belong to the petitioner. Petitioner has no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Musrigharari P.S. Case No.156/2020 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

Sanjay/-

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