

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37155 of 2021

Arising Out of PS. Case No.-272 Year-2019 Thana- MITHANPURA District- Muzaffarpur

Mahavir Kumar S/O Late Kedar Prasad R/O Village- Chhote Bazar, Parti
Tola, P.S.- Town, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Ms. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-09-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Mithanpura P.S. Case No. 272 of 2019 registered for the offence punishable under Section 30(a), 38(ii) of the Bihar Prohibition and Excise Act.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 65.230 liters of illegal foreign liquor is said to have been recovered from the house of the petitioner. He has no concern either with the seized liquor or the place of



recovery or any trade of liquor. He submits that the petitioner was not apprehended from the spot nor anything was recovered from his personal possession. Admittedly, the place of occurrence is the house belonging to the petitioner which was let out to the co-accused *Rajan Jaiswal* since last six months. He further submits that petitioner does not reside in the house from where the recovery of illegal wine has been made rather the petitioner used to reside in another house situated at Chhote Bazar, Parti Tala. Petitioner has no criminal antecedent as has been mentioned in para-3 of the present petition and he is languishing in custody since 17.03.2021.

Petitioner is agreed to deposit a sum of Rs. 5,000/- (Rupees Five Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending/successor court in connection with Mithanpura P.S. Case No. 272 of 2019 subject to following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the



court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 5,000/- (Rupees Five Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

GAURAV S./-

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