

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37216 of 2021

Arising Out of PS. Case No.-163 Year-2021 Thana- BRAHMPUR District- Buxar

MITHILESH PRASAD @ SANAM KUMAR S/o- LAL BIHARI PRASAD
R/o Vill- Noniyapura, P.S.- Kirshna Brahampur, Distt- Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Brampur (K.B.) P.S. Case No. 163/2021 registered under Section 30(a) of Bihar Excise Prohibition Act.

On information regarding illicit liquor trade by the petitioner and co-accused person Vinod Kumar, the police have raided the petitioner's house from where no incriminating article was recovered. The recovery of 77.400 litres English liquor and 165 litres country-made liquor is from house of co-accused



Suman Kumar. The petitioner's implication is on the basis that upon his disclosure the said recovery has been made.

Learned counsel for the petitioner submits that he has unnecessarily been roped in this case. Even as per prosecution case, there was no recovery from the petitioner's house. Earlier he has been accused in two more cases, as per para 2 of the bail application and in both the cases, he is on bail. In the instant case, he is in custody since 22.03.2021.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Session Judge-II-cum-Excise Court, Buxar at Buxar in Brampur (K.B.) P.S. Case No. 163/2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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