

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38128 of 2021

Arising Out of PS. Case No.-18 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

Pintu Kumar, Son of Sri Ramlochan Prasad, Resident of Village - Sodhana,
P.S. - Siwaipatti, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

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

The petitioner seeks bail in connection with Siwaipatti P.S. Case No.18 of 2021 registered for the offence punishable under Sections 272, 273, 34 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act.

There is alleged recovery of a total 72 litres illicit liquor from two huts belonging to Zulekha Khatoon and Salil Mohammad based on their statement that the petitioner is involved in the trade and on secret information received by the police.

Counsel for the petitioner submits that after the petitioner was granted anticipatory bail in Siwaipatti P.S. Case No.140 of 2019 for similar offence, he has been implicated in at



least three more cases other than this case. Prosecution case itself reveals that there is no positive evidence against the petitioner other than the statement of the co-accused and secret information. Admittedly, as per the prosecution case, there is no recovery from the petitioner or his property. In this case, he is in custody since 09.04.2021.

Learned APP for the State 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur, in connection with Siwaipatti P.S. Case No.18 of 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.

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

(Madhuresh Prasad, J)

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