

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 38411 of 2021

Arising Out of PS. Case No.-108 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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MITHU KUMAR Son of Shyam Sundar Manjhi Resident of Village - (Asogi)
Bairgania ward no.- 9 Gandhinagar, P.S.- Bairgania, District - Sitamarhi
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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For the Petitioner/s :	Mr Birendra Kumar, Advocate
For the Opposite Party/s :	Mr Md Mushtaque Alam, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, APP) appearing for
the State of Bihar.

The petitioner seeks bail in C2 Case No 108 of 2021
dated 22.02.2021 instituted for the offence punishable under
Section 30 (a) of Bihar Prohibition and Excise Act, 2016.

108 liters of Nepali Saufi Wine has allegedly been
seized from the petitioner while he was near the Indo – Nepal
Border on his Passion Pro Motorcycle.

Learned counsel for the petitioner submits that the
petitioner has no criminal antecedent and that it is a case of false
implication. Recovery is not from the conscious possession of
the petitioner and he is in custody since 22.02.2021.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court,
for the purposes of grant of bail, is inclined to accept the



submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge (Excise Act), Sitamarhi in C2 Case No 108 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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