

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38624 of 2021

Arising Out of PS. Case No.-59 Year-2021 Thana- JALALPUR District- Saran

AMIT MISHRA S/O LATE AJAY MISHRA R/o village- Mishrawaliya, P.S.-
Jalalpur, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-09-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 30 (a) of the Bihar
Prohibition & Excise Act.

As per the prosecution case, 100 liters of country
made liquor has been recovered from the house of co-accused,
Sumit Mishra @ Chhotu, brother of this petitioner.

Learned counsel appearing for the petitioner submits
that petitioner is innocent and has falsely been implicated in the
case. No incriminating article has been recovered from the
conscious possession of the petitioner and he is no way
concerned with the alleged recovery. The recovery is made from
the house of Sumit Mishra @ Chhotu, brother of petitioner, and
petitioner is separate in mess and property from co-accused,
Sumit Mishra @ Chhotu and he lives in separate house from last



couple of years. Petitioner is in custody since 16.04.2021 and investigation in this case is complete .

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, 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 Additional Sessions Judge-II-cum- Special Judge, Excise Act, Saran at Chapra in connection with Jalalpur PS case No.59/2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

BKS/-

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(Prabhat Kumar Singh, J)

