

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4023 of 2021

Arising Out of PS. Case No.-109 Year-2019 Thana- MOTIPUR District- Muzaffarpur

MITHU KUMAR @ MITTHU KUMAR, Son of Nand Kishore Rai, Resident
of Village - Sadhadambar Near Water Tank, P.S.- Motipur, District -
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-03-2021 Heard Mr. Manoj Kumar, learned Counsel for the
petitioner and Ms. Madhuri Lata, learned Additional Public
Prosecutor for the State, through Video Conferencing.

This application, for grant of regular bail, arises out
of Motipur Police Station Case No. 109 of 2019, disclosing
offences under Sections 30(a), 38(1)(2), 41(1) of the Bihar
Prohibition and Excise Act, 2016.

The allegation against the petitioner is that the
police on the basis of secret information raided the house of
Rajesh Kumar and Amresh Kumar and recovered a total
quantity of 72 litres of illicit foreign liquor from their house and
upon seeing the police party, the petitioner along with others
succeeded in fleeing away from the place of occurrence.



Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to oblique motive. Learned counsel next submits that petitioner has got no criminal antecedent and the accused persons from whose house the illicit liquor has been recovered have been granted bail by a Coordinate Bench of this Court in Cr. Misc. No.13107 of 2020. Learned counsel further submits that petitioner is in custody since 05.09.2020.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that petitioner is in custody since 05.09.2020 having no criminal antecedent and the co-accused persons have been granted bail by a Coordinate Bench of this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, Mithu Kumar @ Mitthu Kumar, 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 Motipur Police Station Case No. 109 of 2019.

It is made clear at the time of furnishing bail bond, all



the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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