

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9806 of 2021

Arising Out of PS. Case No.-323 Year-2020 Thana- BARH District- Patna

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MITHUN KUMAR SON OF ARJUN TANTI RESIDENT OF VILLAGE
KAJICHAK PS BARH, DISTRICT- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No.1

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-06-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Barh P.S. Case No. 323 of
2020 (Special Case No. 5011 of 2020), registered for the offence
punishable punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

816 litres of country made liquor and 12 litres of Beer
was recovered from from a pickup van and this petitioner and
two others were apprehended on the spot.

It is submitted that petitioner has falsely been
implicated in this case. Nothing has been recovered from
conscious possession of this petitioner. Petitioner is neither the



owner nor the driver of the vehicle in question. He was simply a co-passenger. The provision of section 100 Cr.P.C has not been followed. Petitioner is in custody since 28.08.2020. Investigation is complete.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Patna in connection with Barh P.S. Case No. 323 of 2020 (Special Case No. 5011 of 2020), subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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