

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7414 of 2022

Arising Out of PS. Case No.-305 Year-2021 Thana- KATRA District- Muzaffarpur

1. Mithlesh Kumar @ Mithilesh Kumar, S/o Prahlad Mahto, R/o village- Chakbhagda, P.S.- Katra, Distt.- Muzaffarpur
2. Nagendra Mahto, S/o Prahlad Mahto, R/o village- Chakbhagda, P.S.- Katra, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh, Adv.

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-06-2022 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Katra P.S. Case No.305 of 2021 registered for the offences punishable under Sections 341, 323, 353, 504 and 188/34 of the Indian Penal Code and Sections 30(a)/37(c) of the Bihar Prohibition and Excise Act, 2016. They are in custody since 19.11.2021. The petitioners have got no criminal antecedent.



Learned counsel for the petitioners submits that, as per the prosecution story, 64 liters of country made liquor was recovered from a hut near the river where the petitioners were also present along with other co-accused.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Learned counsel submits that nothing incriminating has been recovered from the conscious possession of the petitioners. It is submitted that the petitioners are in custody in connection with this case since 19.11.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the submission that there is a recovery of 64 liters of illicit liquor from a hut near the river, the petitioners have remained in custody since 19.11.2021, they have no criminal antecedent, investigation against them is complete and their presence may be secured in course of trial, this Court directs release of the petitioners above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Katra P.S. Case No.305 of 2021, subject to



the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

