

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6779 of 2022

Arising Out of PS. Case No.-124 Year-2021 Thana- KADWA District- Katihar

MITHUN KUMAR S/o Dinesh Kumar Singh R/o village- Udamarekha,
Sirnia, P.S.- Katihar (M), District- Katihar (wrongly mentioned in the F.I.R. as
Village- Jabej, P.S.- Mohinoor, District- Vaishali) Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Kadwa P.S. Case no. 124 of 2021 instituted for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 540 litres from
a Bolero Pick-up van. On search, a duplicate driving license in
the name of the petitioner has also been recovered from the said
van, which was the basis of implication of the petitioner in the
present case.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. In the alleged recovered license, except name and
fathers name of the petitioner, no information is true about the



petitioner. He has got no criminal antecedent. Petitioner has no concern with the alleged recovery or with the vehicle in question. The alleged vehicle belongs to co-accused Rajkishore Paswan. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Kadwa P.S. Case no. 124 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-II, Cum- Special Judge, Katihar subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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