

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12087 of 2022

Arising Out of PS. Case No.-252 Year-2021 Thana- MITHANPURA District- Muzaffarpur

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ASHUTOSH DAS Son of Bairagya Kumar Das Resident of Village -
Rambag, P.s.- Mithanpura, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 12119 of 2022

Arising Out of PS. Case No.-252 Year-2021 Thana- MITHANPURA District- Muzaffarpur

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VIJAY KUMAR VERMA S/o Late Ganesh Prasad At present resident of
Ramgarh Chauri, Adarsh Lok Colony, P.S.- Mithanpura, District-
Muzaffarpur. Permanent Address Village- Madhuban Baniban, P.S.- Pipra
Kothi, District- East Champaran (Motihari).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 12087 of 2022)

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

(In CRIMINAL MISCELLANEOUS No. 12119 of 2022)

For the Petitioner/s : Ms.Anjana

For the Opposite Party/s : Mrs.Rita Verma

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 08-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioners and

learned A.P.P. for the State by virtual mode.

The petitioners seek bail in connection with



Mithanpura P.S. Case No. 252 of 2021 registered for the offences punishable under Sections 414/34 of the Indian Penal Code and Sections 30(a), 32(ii) of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of 70.920 litre foreign liquor from the gate of rented house of petitioner Vijay Kumar Verma and besides this, 17.20 litre foreign liquor has been recovered from the Honda Scooty in question. The FIR has been registered against the petitioner Vijay Kumar Verma, co-accused Ram Pravesh Sah @ Pintu and owner of scooty in question.

Learned counsel appearing for the petitioner Ashutosh Das submits that though name of the petitioner is implicated in this case as owner of scooty in question but petitioner has already sold the said scooty prior to the alleged occurrence to Sanjay Kumar and the said fact has been mentioned at Annexure-3/1 to the petition. Petitioner is in custody since 12.12.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence. He further submits that petitioner is not apprehended on the spot and he has just made accused as owner of scooty in question. Nothing has



been recovered from possession of the petitioner.

Learned counsel appearing for the petitioner Vijay Kumar Verma submits that petitioner is in custody since 21.11.2021 and bears no criminal antecedent. He further submits that petitioner is tenant in the alleged house as it is evident from perusal of FIR and petitioner is not only person who resides in the said house. He further submits that alleged recovery has been made from the gate and not from the room where petitioner was residing. Petitioner has no anyway concern with the alleged recovery as he was tenant. Seizure list has not been made as per law. Charge sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, charge sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two



sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Muzaffarpur/concerned court in connection with Mithanpura P.S. Case No. 252 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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