

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12572 of 2022

Arising Out of PS. Case No.-147 Year-2021 Thana- MAJORGANJ District- Sitamarhi

MITESH KUMAR MISHRA @ SATISH MISHRA, Son of Sri Uday Narayan
Mishra Resident of Village- Harpur Kala, P.S.- Majorganj, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uma Kant Tiwary

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 29-06-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Majorganj P.S. Case No. 147 of 2021, registered for the

offences punishable under Sections 272 and 273 of IPC and

Section 30(a) of the Bihar Prohibition and Excise Act, 2016

As per allegation, 432 litres of acidic wine has been

recovered from a sugarcane field of one Rambhajan Sah at

Village Harpur Kala.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

this case. He further submits that the alleged recovery has



not been made from the conscious possession of the petitioner, in fact, recovery has been made from an open field. He also submits that similarly situated co-accused, namely, Ajay Singh has already been granted bail by a Bench of this Court *vide* order dated 12.02.2022, passed in Cr. Misc. No. 60444 of 2021.

The petitioner is in custody since 29-12-2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Hon'ble Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Exclusive Special Excise Court No. 1, Sitamarhi in connection with



Majorgan P.S. Case No. 147 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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