

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13247 of 2022

Arising Out of PS. Case No.-404 Year-2018 Thana- SAKRA District- Muzaffarpur

Mithlesh Kumar Son Of Rajendra Ray Resident Of Village - Korabaddha
Lagunia, P.S.- Samastipur, Distt.- Samastipur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh
For the Opposite Party/s : Ms. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 272,
273, 353, 307 of the Indian Penal Code, Section 27 of the Arms
Act and Sections 30(a), 38 and 41 of the Excise Act.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the allegation is
of total recovery of 3868.200 litre of liquor from various
vehicles including 432 litre of liquor from a pick-up vehicle.

The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is next submitted
that petitioner came to be implicated in the present case as being



the owner of the alleged pick-up vehicle. It is further submitted that petitioner was completely unaware that its pick-up vehicle was being misused by the driver of the vehicle. It is next submitted that co-accused Abhinash Kumar, Moti Jha, Bharat Bhushan Mishra @ Fauji @ Nikku have been granted bail by this Court by order 04.12.2018 in Cr. Misc. No.72074 of 2018, the order dated 15.01.2019 in Cr. Misc. No.73826 of 2018 and order dated 21.12.2018 in Cr. Misc. No.74361 of 2018 respectively.

The learned counsel next submits that till date process under Section 82 of the Cr.P.C. has not been issued against the petitioner that in itself demonstrates that even the police is aware that petitioner is innocent.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where



the case is pending in connection with Sakra P. S. Case No.404
of 2018, subject to the conditions laid down under Section
438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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