

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13239 of 2022**

Arising Out of PS. Case No.-303 Year-2021 Thana- BALIYA District- Begusarai

Mithun Kumar @ Mithlesh Poddar Son Of Yugeshwar Poddar @ Jugesar Poddar Resident Of Village - Pokhariya, P.S.- Ballia, Distt.- Begusarai (Bihar).

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shovendra Kumar
For the Opposite Party/s : Mr. Abhay Kumar Roy

**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 Section 30(a) 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 recovery of 250ml of liquor from an asbestos house in a maize field, which is situated 20 meter ahead of petitioner's house.

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 is neither owner of field, nor the asbestos's house belongs to the petitioner. It is submitted that police falsely implicated him based on secret information in order to save the real culprit or the owner of the maize field. It is also submitted that it is easy to



implicate someone by alleging that his name transpired on secret information as secret information is never disclosed. The learned counsel next submits that these types of cases, which are filling the jails and the jails in Bihar as of date are literal hell.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner and the fact that that petitioner is a man of clean antecedent and in the nature of allegation, 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. 500/- (Rupees Five hundred) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Ballia P. S. Case No.303 of 2021, 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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