

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21446 of 2022

Arising Out of PS. Case No.-39 Year-2021 Thana- PIPRA District- East Champaran

Mithlesh Kumar Singh @ Mukesh Kumar @ Mithilesh Singh, S/O Chadradev
Singh, R/o village- Kuwarpur, P.S.- Pipra, District- East Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Pipra P.S. Case No. 39 of 2021 registered for
the alleged offences under Sections 272, 273 of the Indian Penal
Code and Section 30 (a) of the Bihar Prohibition and Excise
Act.

As per the prosecution case, total 5869.44 litres of
India made foreign liquor was recovered from a truck and the
police could not apprehend any person from the spot. During
investigation, the name of the petitioner transpired as one of the
accused persons who has brought this illicit liquor for supplying
to other co-accused persons.



The learned counsel for the petitioner submits that the petitioner has not been arrested from the spot and nothing incriminating has been recovered from his person or possession. The name of the petitioner came up at the later stage of the investigation on the basis of confessional statement of co-accused Rajesh Singh, who has been granted bail by a Coordinate Bench of this Court vide order dated 23.05.2022 passed in Cr. Misc. No.62302 of 2021. The petitioner is having criminal antecedents and is accused in five more cases. However, he is on bail in all cases. The petitioner is in custody since 04.02.2022 and the charge sheet has been submitted in this case.

Learned A.P.P. opposes the prayer for bail of the petitioner submitting that the huge quantity of liquor was recovered and this liquor was brought at the instance of this petitioner and co-accused Rajesh Singh. The petitioner is a habitual offender and is accused in five such cases.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has not been arrested from the spot and nothing incriminating has been recovered from his person or possession and further considering the



submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-2, East Champaran, Motihari in connection with Pipra P.S. Case No. 39 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

