

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26179 of 2022

Arising Out of PS. Case No.-234 Year-2021 Thana- BARAUNI District- Begusarai

Mithun Kumar @ Mithun Singh Son Of Gorelal Singh Resident Of Village - Sabura, P.S.- Barauni, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2022 Heard Mr. Pritish Kumar Lal, learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seek bail in a case registered in connection with Barauni P.S. Case No. 234 of 2021 for the offences under Sections 30(a) and 40 (i) of the Bihar Prohibition & Excise Act, 2018.

As per the prosecution case, it is alleged that the police on a secret information that the petitioner is involved in the trade of illicit liquor raided the house of the petitioner and on search total 445.86 liters Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that the alleged recovery has been made from the house



of joint family possession, where several family members resides and the petitioner cannot be held to be responsible. It is next submitted that only because of one past criminal antecedent, the name of the petitioner has been implicated in this case also. It is next submitted that this petitioner is in custody since 27.01.2022 and moreover, the investigation of the crime is already completed.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has found involved in one another case of similar nature and the recovery has been made from the house of the petitioner.

Having regard to the submissions made on behalf of the parties and considering the fact that the recovery has been made from a joint family house and this petitioner is in custody since 27.01.2022, though the investigation of the crime is already completed and the charge-sheet has been submitted and there is no likelihood of the commencement of the trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court-I, Begusarai in connection with Barauni P.S. Case No. 234 of 2021, subject to the condition that



one of the bailors will be the4 close relatives of the petitioner with further conditions which are as follows;-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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