

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27685 of 2022

Arising Out of PS. Case No.-750 Year-2021 Thana- AHYAPUR District- Muzaffarpur

MITHUN PRASAD SINGH @ BHAGAT S/o Lalbabu Bhagat R/o village-
Khemaipatti, P.S.- Meenapur, Distt.- Muzaffarpur. At present R/o village-
Harpur, P.S.- Hathauri, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Ahiyapur P.S. Case No. 750 of 2021 registered for the offences
punishable under Sections 272 and 273/34 of the Indian Penal
Code read with sections 30(a), 36 and 41 of the Bihar
Prohibition & Excise Act. 2016.

As per prosecution case, there is alleged recovery
of 400 liters illicit spirit from the car in question. Petitioner
was not apprehended on the spot.

Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence and has falsely been implicated in this case. Petitioner is in custody since 28.01.2022. Nothing has been recovered from the possession of the petitioner. It is submitted that the petitioner has no concern with the recovered spirit and vehicle in question. Petitioner bears criminal antecedent of five cases in which four cases are of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. I, Muzaffarpur in connection with Ahiyapur P.S. Case No. 750 of 2021, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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