

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27892 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- CHANDAN District- Banka

Mithilesh Kumar Roy @ Mithlesh Kumar Rai Son Of Late Amarjeet Roy
R/O- Vill-Mahmadpur Deopar P.S.- Pusa Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with Chandan P.S. Case No. 62 of 2022 for the offences punishable under Sections 30(a) of the Bihar Excise (Prohibition) Amendment Act, 2018.

As per the prosecution case, it is alleged that the police in course of patrolling intercepted one mini truck and on search being made total 1011.855 liters country made foreign liquor was recovered and petitioner was found



seated behind the driver of the said mini truck.

Learned counsel for the petitioner submits that the petitioner is neither arrested at the spot nor any incriminating material has been recovered from person or possession and in fact he was only a passerby. Petitioner has neither any concern with the vehicle seized by the police nor with the illicit liquor. It is next submitted that petitioner is a man of fair antecedent and is in custody since 25.03.2022 and he is ready to give under taking that he will co-operate in the trial.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner is neither owner of the vehicle nor the recovery has been made from his possession. Petitioner is in custody since 25.03. 2022 and investigation of the crime is concluded and the charge sheet has been submitted and moreover, there is no likelihood of commencement of trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand)



with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Banka in connection with Chandan P.S.Case No. 62 of 2022 subject to the condition that one of the bailors will be the 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.

(Harish Kumar, J)

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