

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28366 of 2022**

Arising Out of PS. Case No.-128 Year-2022 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Mithu Kumar, Son of Late Garib Nath Mahto, Resident of Sikanderpur, Near
Dr. Mahashankar Singh Clinic, P.S.- Nagar Sikanderpur O.P., District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Jitendra Singh, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Muzaffarpur Town P.S. Case No. 128 of 2022
registered for the offences punishable under Sections 30(a),
30(c)/34 of the Bihar Prohibition and Excise Act 2016-18.

As per the prosecution case, it is alleged that while the
police was on patrolling duty, on a secret information,
conducted a raid and on search 52.23 litres of Indian made
foreign liquor was recovered. It is further alleged that some of



the persons have been apprehended at the place of occurrence, who disclosed the name of the petitioner.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. So far the alleged recovery is concerned, the same has been made near a tea stall, which is away from the house of the petitioner and not within the possession and control of the petitioner. It is next submitted that the co-accused person has already been granted bail in Cr. Misc. No. 21268 of 2021 vide order dated 16.06.2022. It is lastly submitted that this petitioner is in custody since 28.03.2022 having fair antecedent.

On the other hand, learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been disclosed by the co-accused person, who was apprehended by the police at the spot and moreover no incriminating material has been recovered from the person or possession of this petitioner and other co-accused person has already been granted bail by the learned coordinate Bench of



this Court and the petitioner is in custody since 28.03.2022 having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Court -I, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 128 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

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

(ii) He will remain physically 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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