

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29172 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- CHANDAN District- Banka

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MITHUN KUMAR PATHAK @ MITHUN KUMAR @ NIRAJ KUMAR S/o
Late Nakul Pathak Resident of Village- Koranda, P.S.- Shakhund, District-
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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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 in virtual court proceeding.

The petitioner seeks bail in connection with
Chandan P.S. Case No. 55 of 2022 registered for the offences
punishable under Sections 30(a) and 32 of the Bihar Excise Act,
2018.

As per prosecution case, there is alleged recovery
of 37.75 litres foreign liquor from the motorcycle in question.
The petitioner along with other was apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 17.03.2022 and bears criminal



antecedent of six cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that he has falsely been implicated in the instant case by some ulterior motive, malice and grudge.

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 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge II, Banka in connection with Chandan P.S. Case No. 55 of 2022, 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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