

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39514 of 2022

Arising Out of PS. Case No.-199 Year-2021 Thana- SAKRA District- Muzaffarpur

Mithun Sah, Son of Shibu Sah, Resident of village- Dholi Bazar, P.S.- Sakra,
District- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 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. Prabhat Kumar Singh, learned counsel for
the petitioner and learned APP for the State through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Sakra P.S. Case No. 199 of 2021 for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, it is alleged that the police
on a secret information intercepted a tempo and, on search,
71.685 litres of Indian made foreign liquor was recovered.
However, on noticing the police party, allegedly, three persons
succeeded in fleeing away, including the petitioner. It is further



alleged that thereafter the house of two other co-accused persons, Raju Chaudhary and Charitra Prasad were searched and from their houses, 6.153 and 15.120 litres of Indian made foreign liquors was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at spot nor any incriminating material has been recovered. He next submits that the petitioner has no concern either with the seized Tempo or with the foreign liquors or has/had any connection with the co-accused persons. He further submits that the other co-accused persons, namely, Raju Chaudhary and Charitra Prasad, have already been granted bail by different learned co-ordinate Benches of this Court and so far the petitioner is concerned, he is in custody since 25.04.2022, having fair antecedent.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered and, moreover, other co-accused persons from whose house the recovery has been made, they have already been granted bail by different learned co-ordinate



Bench of this Court and petitioner, having fair antecedent, is in custody since 25.04.2022, let the petitioner, named above, be released on bail on furnishing bail bonds 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.-1, Muzaffarpur in connection with Sakra P.S. Case No. 199 of 2021 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 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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