

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53140 of 2021

Arising Out of PS. Case No.-38 Year-2021 Thana- BAISI District- Purnia

MITHU KUMAR @ MITHU SARKAR Son of Late Mahadev Sarkar
Resident of Village- Chandani Chowk, Kasba, P.S.- Kasba, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal
For the Opposite Party/s : Mrs. Meena Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-01-2022 Heard learned counsel for the petitioner and the State.

The matter has been taken up through video conferencing.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 272, 273 of the Indian Penal Code and under Section 30 (a), 41, 47 of the Bihar Prohibition & Excise Act.

As per the prosecution case, 48.585 liter of foreign liquor has been recovered from motor cycle of co-accused, Mithu Sah who disclosed that motor cycle was handed over to him by this petitioner.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. No incriminating article has been recovered from the



conscious possession of the petitioner and he is no way concerned with the alleged recovery. Petitioner is neither owner of the liquor nor owner of the vehicle in question. Petitioner is in custody since 02.08.2021 and investigation in this case is complete .

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Purnea in connection with Baisi PS case No. 38/2021.

(Prabhat Kumar Singh, J)

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