

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42900 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- AGAMKUAN District- Patna

Thakur Mithilesh Kumar Singh Son of Late Thakur Awadhnanadan Singh
Resident of Shivam Bihar Apartment, Flat No. 201, Mahatma Gandhi Nagar,
Kanti Factory Road, P.S.- Agamkuan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-11-2022 Learned counsel for the petitioner is permitted to
remove the defects, as pointed out by the office, within a period
of four weeks from today.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 30(a), 32
and 41(1), 36 of the Bihar Prohibition and Excise Act, 2018.

Recovery is of 3.750 litres of illegal liquor.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that as per F.I.R. recovery has
been made from the house in question and the same belongs to
the petitioner. He further submits that in fact the petitioner has



given the house in rent to the co-accused namely Anshu Kumar and he is living in the house in question from 21.12.2021 and the petitioner has no concern at all with the alleged recovery of illicit liquor and nothing has been recovered from the conscious possession of the petitioner.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Court below where the case is pending in connection with Agamkuan P.S. Case No. 12 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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