

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44120 of 2022

Arising Out of PS. Case No.-301 Year-2020 Thana- GAIGHAT District- Muzaffarpur

MITHUN PRASAD SINGH @ BHAGAT SON OF DHARMNATH
BHAGAT R/O VILLAGE- KHEMAIPATTI, P.S.- MEENAPUR, DISTRICT-
MUZAFFARPUR, AT PRESENT RESIDENT OF VILLAGE- HARPUR,
P.S.- HATHAURI, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-09-2022 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.

The petitioner seeks bail in connection with
Gaighat P.S. Case No. 301 of 2020 registered for the offences
punishable under Sections 272, 273, 414, 420, 467, 468, 471,
120(B) of Indian Penal Code and Section 30(a), 41 and 56(B) of
the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 8000 litres of raw spirit from the truck in question. It is
further alleged that consignment has to be delivered to the
petitioner.



Learned counsel for the petitioner submits that petitioner is in custody since 30.11.2021. Petitioner bears five criminal antecedent out of which four cases are of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is not apprehended on spot. Petitioner has no concern with the recovered spirit.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted 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 after framing of charge on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Muzaffarpur in connection with Gaighat P.S. Case No. 301 of 2020, 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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