

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54167 of 2021**

Arising Out of PS. Case No.-133 Year-2021 Thana- CHAUTHAM District- Khagaria

MITHUN KUMAR SON OF SUSHIL SINGH R/O VILLAGE- KHARAITA,
P.S.- CHOOUTHAM, DIST.- KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Mukesh Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 20-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Choutham P.S.
Case No. 133 of 2021 registered for the offences punishable
under Section 30(a) of the Bihar Excise and Prohibition Act,
2018.

There is recovery of 35.125 litres of illicit liquor from
Basa of the petitioner.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and has committed no offence



and he has falsely been implicated in the present case. It is further submitted that it appears from the FIR that no incriminating article has been recovered from conscious possession of the petitioner rather the recovery has been made from *Basa* of the petitioner which is an open place and is accessible by anyone. Petitioner is in custody since 18.06.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, 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 the learned Special Judge, (Excise) Khagaria in connection with Choutham P.S. Case No. 133 of 2021, G.R. No. 1910 of 2021, subject to the 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 witnesses, 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 antecedent, 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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