

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46115 of 2022

Arising Out of PS. Case No.-354 Year-2021 Thana- VAISHALI District- Vaishali

Mithu Singh, Son of Late Ramnath Singh, R/v- Fatahpur, PO and PS and
Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

In the present case, the petitioner seeks bail in
connection with Vaishali P.S. Case No. 354 of 2021, registered
for the alleged offences under Sections 272, 273, 413, 414 of the
Indian Penal Code and Sections 30 (a), 41 (1) of the Bihar
Prohibition and Excise Act.

As per prosecution case, recovery of 492.39 liters of
India made foreign liquor was made from a truck from which it
was being unloaded in the smaller vehicles. The petitioner was
named by the co-accused who was apprehended from the spot
for being involved in the illegal trade of liquor.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he was not apprehended from the spot. Nothing incriminating has been recovered from his conscious possession. He has been roped in this case merely on the basis of confessional statement of co-accused Shashi Kumar. The charge sheet has been submitted in this case. The petitioner is in custody since 10.07.2022.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.2-cum-Additional Sessions Judge, Hajipur at Vaishali, in connection with Vaishali P.S. Case No. 354 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be



accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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