

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50129 of 2022

Arising Out of PS. Case No.-124 Year-2022 Thana- KASBA District- Purnia

MITHU KUMAR @ MITHU SARKAR S/o Late Mahadev Sarkar Resident
of Village- Chandni Chowk, Kasba, P.S.- Kasba, District- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal
For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-09-2022 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 Kasba
P.S. Case No. 124 of 2022 registered for the offences punishable
under Sections 272, 273 of the Indian Penal Code read with
Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 5.46 liters foreign liquor from the house of petitioner as well
as motorcycle parked inside the house of the petitioner.
Petitioner is apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 29.04.2022. Petitioner bears eight



criminal antecedent out of which seven 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 or personal possession of the petitioner. Seizure list has not been made as per law. There is violation of Section 100 of the Cr.P.C. Learned counsel further submits that alleged liquor has not been recovered from the house of petitioner but informant has falsely been implicated the petitioner in the false case.

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, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence as submitted, argument advanced on behalf of the parties 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Court No. - 1, Purnea in connection with Kasba



P.S. Case No. 124 of 2022, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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