

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50053 of 2022

Arising Out of PS. Case No.-89 Year-2016 Thana- KASBA District- Purnia

Mithu Kumar @ Mithu Sarkar, Son Of Late Mahadev Sarkar, R/O Village-
Chandni Chowk, Kasba, P.S.- Kasba, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Kasba P.S. Case No. 89 of 2016 registered for
the alleged offences under Section 273 of the Indian Penal Code
and under Section 47 of the Bihar Prohibition and Excise Act.

As per prosecution case, two persons fled away
leaving behind their motorcycle and the recovery of 12 liters of
India made foreign liquor was made from the spot. During
investigation, the name of the petitioner transpired as the owner
of the seized motorcycle.

Learned counsel for the petitioner submits that

petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from the person or possession of the petitioner. There has been no recovery from the motorcycle of the petitioner as it is clear from the F.I.R. itself that recovery has been made from the bushes. Charge sheet has been submitted in this case and the petitioner is in custody since 08.06.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession and also considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named 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 Judge, Court No. 1, Purnea in connection with Kasba P.S. Case No. 89 of 2016, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the

following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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)

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