

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53010 of 2022

Arising Out of PS. Case No.-320 Year-2022 Thana- TRIVENIGANJ District- Supaul

Mithlesh Kumar @ Mithu Kumar Son Of Shambhu Mandal R/O Village-
Tetrahi Ward No.-10, P.S.- Pipra, District- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2022 This case has been directed to be listed at 12:30 PM
after receiving all the mentioned slip for urgent posting by the
counsel due to the reason that petitioner is the only son of his
father who died on 17.10.2022 at 11:30 PM in the night at
D.M.C.H and his dead body is waiting for *Dahsanskar*. With the
slip, the certificate of the hospital is also attached where the
petitioner's father is admitted in the hospital and where the dead
body has been kept. Presently, it is listed at SL. no. 61 in the list.

Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Triveniganj P.S. Case No. 320 of 2022 lodged under Section 30
(a) of Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution case, the total recovery of 779.1 litres is the subject matter of this case.

Learned counsel for the petitioner submits that his name has figured in this case on the secret information received by the police. He submits that petitioner has not apprehended at the place of occurrence. The said recovery of Nepali Sofiya wine was made from one Qualish Car of Toyota Company but none was arrested. He submits that petitioner is in custody since 18.07.2022 and there is one antecedent of the petitioner in which he is on bail.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned Navin Kumar Thakur, Special Judge, Excise, Supaul (Court No.1) in vide Sessions Case No. 450 of 2022 in connection with Triveniganj P.S. Case No. 320 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

Since matter is urgent as the dead body of the petitioner's father is waiting for *Dahsanskar*. Therefore, Office is directed to communicate this order to the concerned Court below today itself.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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