

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57252 of 2022

Arising Out of PS. Case No.-132 Year-2022 Thana- PUNAURA District- Sitamarhi

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MOHAN KUMAR @ MITHU Son of Awadhesh Mahto Resident of Village-
Givind Fundah, Ward No.- 04, P.S.- Punaura, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Nitya Nand Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. 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 Punaura P.S. Case No. 132 of 2022 registered for
the alleged offences under Sections 414, 420, 467, 468, 471 and 34
of the Indian Penal Code and under Section 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, recovery of 2145 liters of
India made foreign liquor was made from a container truck, when a
raid was conducted on the basis of tip off that the illicit liquor was
being unloaded from it by the petitioner and other co-accused
persons. The petitioner along with co-accused was apprehended

from the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner is a farmer and due to previous enmity and antecedent, the petitioner has been falsely implicated in this case. The place from where the recovery has been made does not belong to this petitioner who has got no concern with the truck or the allegedly seized liquor. The petitioner is neither the owner nor the driver of the seized truck in this case. Charge sheet has been submitted in this case and the petitioner is in custody since 15.06.2022. The petitioner has got clean antecedent.

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 of submission of charge sheet along with period of custody of the petitioner and his clean antecedent, 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 Special Judge Exclusive Excise Court-I, Sitamarhi, in connection with Punaura P.S. Case No. 132 of 2022, 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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