

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71035 of 2021

Arising Out of PS. Case No.-680 Year-2021 Thana- FATUA District- Patna

Mithilesh Kumar Singh @ Mithilesh Singh S/O Sri Munna Singh R/O
Village- Kirigara, P.S.- Patratu, District- Ramgarh, Jharkhand- 829118
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Prabha Mishra, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-06-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in connection with Fathua P.S. Case No. 680 of 2021 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 33, 34, 36, 56(c) of Bihar Prohibition and Excise Act. He is in custody since 09.09.2021 and has no criminal antecedent.

Learned counsel for the petitioner submits that on secret information the informant intercepted one Haiwa Truck and Alto Car and recovered 1715 liter and 35 liter raw spirit from the truck and car respectively. The petitioner is alleged to



have been found sitting in Alto Car along with three other persons. It is stated in the FIR that the owner of the Alto car is co-accused Dipak Kumar Singh who disclosed that he is working as transporter and is getting Rs. 60,000/- per consignment.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no concern with the car from which he is said to have been arrested. The petitioner was not knowing about the article kept in the car. The petitioner has remained in custody since 09.09.2021 having no criminal antecedent.

Learned counsel further submits that the presence of the petitioner may be secured in course of trial.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner is in custody since 09.09.2021, investigation against him is complete and his presence may also be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like



amount each to the satisfaction of learned Special Judge Excise, Patna in connection with Fathua P.S. Case No. 680 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: the ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during pandemic period all concerned shall act on the basis of the copy of the order uploaded on the high court website under the heading 'judicial orders passed during the pandemic period'.

