

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72343 of 2021

Arising Out of PS. Case No.-267 Year-2021 Thana- BIHPUR District- Bhagalpur

=====

Mithilesh Das @ Mithilesh Kumar Das S/O Nawal Kishore Das Resident Of
Village- Bihpur District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary, Adv

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Bihpur P.S. Case No.267 of 2021, registered for the offence under Sections 30(a) & 32 of Bihar Prohibition and Excise Act, 2018.

Recovery is of 269.100 liters of foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made



from the house of co-accused, namely, Pawan Kumar Jha. He further submits that the petitioner is the servant of co-accused, namely, Pawan Kumar Jha. He further submits that the police, after investigation, submitted chargesheet against the petitioner. He further submits that co-accused, namely, Prasant Kumar @ Dimpal has been granted bail vide order dated 20.12.2021 in Cr. Misc. No.49623 of 2021, co-accused, namely, Pawan Kumar Jha and Jitendra Kumar Poddar have been granted bail vide order dated 22.12.2021 in Cr. Misc. No. 50363 of 2021 by this Hon'ble Court and the petitioner is in custody since 27.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, (Excise Act), Bhagalpur in connection with Bihpur P.S. Case No.267 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

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 step 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.

Nitesh/-

(Rajesh Kumar Verma, J)

U		T	
---	--	---	--

