

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1381 of 2022

Arising Out of PS. Case No.-130 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Mithilesh Kumar @ Phuchchu S/o- Vimal Ray R/o- Vill.- Bikrampur Bande
Ward No.10, P.S.- Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 30(a), 32(ii), 41(ii) of Bihar Prohibition and Excise Act.

Recovery is of total 4697.52 liters of IMFL.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that nothing has been recovered from the conscious possession of the petitioner, rather the



recovery has been made from the truck in question and the name of the petitioner has been transpired on the basis of confessional statement of co-accused. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Ganesh Sah has been granted bail by a co-ordinate Bench of this Court vide order dated 08.12.2021 passed in Cr. Misc. No. 37679 of 2021, another co-accused namely, Santosh Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 10.12.2021 passed in Cr. Misc. No. 38515 of 2021, another co-accused namely, Rajesh Rai has been granted bail by a co-ordinate Bench of this Court vide order dated 11.02.2022 passed in Cr. Misc. No. 45895 of 2021. The petitioner is in custody since 31.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned Court



below where the case is pending in connection with Samastipur
(Muffasil) P.S. Case No. 130 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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.

(Rajesh Kumar Verma, J)

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