

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5773 of 2023

Arising Out of PS. Case No.-48 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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MRITUNJAY KUMAR @ MRITUNJAY SAH @ MIRTUNJAY KUMAR
SAH SON OF RAM BABU PRASAD R/O VILLAGE- OLIPUR, P.S.-
MAHINDWARA, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
11.08.2022 in connection with Excise Case No. C-2/48 of 2019,
F.I.R. dated 30.01.2019 for the offence punishable under Section
30(a) of Bihar Prohibition and Excise Act, 2018.

According to prosecution case, total 14,800 litres of
spirit has been recovered from three vehicles in question.

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



vehicles in question and the petitioner is neither the owner nor the driver of the alleged vehicles. He further submits that only on the basis of suspicion, the name of the petitioner has been implicated in the present occurrence and co-accused, namely, Raj Kumar @ Raj Kumar Sah has been granted bail by a co-ordinate Bench of this Court vide order dated 14.05.2019 passed in Cr. Misc. No.27183/2019, another co-accused persons namely, Chandragupta Prasad @ Raja Sah and Rajiv Kumar have been granted bail vide order dated 15.06.2022 passed in Cr. Misc. No.5894/2022 and Cr. Misc. No. 5620/2022 respectively. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 11.08.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two 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 Executive Special Excise Court-II, Sitamarhi, in connection with Excise



Case No. C-2/48/2019, 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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