

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8307 of 2023

Arising Out of PS. Case No.-436 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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MITHILESH KUMAR Son of Raj Kumar Choudhary @ Ram Kumar
Choudhary @ Ram Kumar Sahni Resident of village - Shambhupatti, Ward
No.- 9, P.S.- Mufassil, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Praveen

For the Opposite Party/s : Mr. Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks regular bail in connection with
Samastipur (Mufassil) P.S. Case No. 436/2022, Excise G.R. No.
717/2022, registered for the offence punishable under Sections
30(a) of the Bihar Prohibition and Excise Act, 2022 (Amended)
and Section 25(1-b)A/26/35 of the Arms Act.

Learned counsel for the petitioner submits that
petitioner is quite innocent and has committed no offence. He
has no criminal antecedent. Nothing incriminating material has



been recovered from the conscious possession of this petitioner.
Petitioner is in custody since 01.10.2022.

Learned APP has vehemently opposed the prayer for bail.

Considering the nature of allegation levelled against the petitioner, his period of custody and the petitioner is in custody since 02.09.2022. this application is allowed.

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 Special Excise Court-1, Samastipur in connection with Samastipur (Mufassil) P.S. Case No. 436/2022, Excise G.R. No. 717/2022.

This is also subject to the conditions that (I) the petitioner would cooperate in the proceeding of the court below. The trial court is directed to expedite the trial of all the cases which are registered against the petitioner. In the event of failure to appear on two consecutive dates, the court below will be at liberty to pass appropriate order including cancellation of bail bonds of the petitioner and (ii) the petitioner shall mark his presence in Samastipur (Mufassil) Police Station, District-Samastipur on first Sunday of every month, failing which, his



bail bonds shall be cancelled by the court below.

(Sandeep Kumar, J)

Ranjeet/-

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