

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50847 of 2023

Arising Out of PS. Case No.-155 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

Mithun Kumar, Son Of Ganga Ray Resident Of Village - Adarsh Nagar,
Bhuidhara, P.S.- Samastipur (Muffasil), District - Samastipur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-08-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 420, 467, 468, 471, 120(B)/ 34 of the I.P.C. and
Sections 30(a)(b), 32, 36, 41(i)(ii), 44(i) and 62 of the Excise
Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
allegation is of recovery of 932.760 litres of liquor from the
asbestos house and two vehicles as detailed in the F.I.R. was
seized.

4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and he came to be
implicated based on confessional statement of Rakesh Kumar



and Sunita Devi in police custody, which does not have any evidentiary value. It is next submitted that petitioner is not the owner of the seized vehicle. It is further submitted that even the alleged recovery is from a place, which is not habitable and is accessible to villagers at large. It is next submitted that police mechanically implicated Sunita Devi, the mother of the petitioner.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-1, Samastipur in connection with Samastipur (M) P. S. Case No.155 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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