

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52308 of 2023

Arising Out of PS. Case No.-795 Year-2022 Thana- PATLIPUTRA District- Patna

MITHU KUMAR @ MITHUN KUMAR @ DIPANSHU KUMAR SON OF
MANOJ KUMAR SAH @ MANOJ SAW RESIDENT OF MOHALLA -
BABA CHOWK, WARD NO.09, POLICE STATION - PATLIPUTRA,
DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR , PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-08-2023

Heard the parties.

The petitioner is in custody in connection with Patliputra P.S. Case No. 795 of 2022 for the offence under sections 30(a), 41(1), of the Bihar Prohibition and Excise (Amendment) Act, 2022 of the Indian Penal Code lodged on 22.11.2022 by the informant, Vijay Kumar.

As per the prosecution story, the Police chased and intercepted a four wheeler, apprehended one Aman Kumar and recovered/seized 155.055 liters of English wine from the 'dikky' of the car . He gave the name of the person who escaped as Mithu Kumar @ Mithun Kumar @ Dipanshu Kumar (the petitioner herein). Accordingly, he was arrested and F.I.R. was lodged.



Learned counsel for the petitioner submits that he was not apprehended from the spot nor the car belongs to him and due to enmity, Aman Kumar named him and he has remained in custody since 13.06.2023 after being remanded.

The last submission is that the said Aman Kumar has since been granted bail by a co-ordinate Bench vide Cr. Misc. No. 4467 of 2023.

Learned APP opposes the prayer for bail.

Considering the submissions put forward by the learned counsel for the petitioner as also that he has not been apprehended from the spot, the person arrested, Aman Kumar has since been granted bail, as stated above and is in custody since 13.06.2023, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge-Excise, Patna, in connection with Patliputra P.S. Case No. 795 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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