

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64559 of 2023

Arising Out of PS. Case No.-256 Year-2022 Thana- BENIPATTI District- Madhubani

Indrakant Mishra, Son of Late Umesh Mishra R/o vill - Pali North, P.S. -
Benipatti, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Benipatti P.S. Case No. 256 of 2022, lodged on 06.10.2022 under Sections 272, 273 and 34 of the Indian Penal Code and 30(a) of Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution case, recovery of 170.18 litre of illicit liquor is the subject matter of the present case.

4. Learned counsel for the petitioner submits that neither any recovery has been made from the possession of the petitioner nor the petitioner has been apprehended from the place of occurrence. The name of the petitioner has come in this case on the basis of confessional statement of co-accused, Jay Prakash Jha, who has already been granted bail by a co-ordinate



Bench of this Court vide order dated 15.11.2022 passed in Criminal Miscellaneous No. 65525 of 2022. The other co-accused have also been granted bail whose orders are annexed with the bail petition. He further submits that the petitioner is in custody since 21.08.2023 and there is one criminal case pending against the petitioner in which he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Benipatti P.S. Case No. 256 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.

(Dr. Anshuman, J.)

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