

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64160 of 2022

Arising Out of PS. Case No.-256 Year-2021 Thana- FATUA District- Patna

MITHUN KUMAR, S/O RAJDEV SINGH, Resident of village- Buddhdev Chak, P.S.-Fatuha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mirtyunjay Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Fatuha P.S. Case No. 256 of 2021 registered for the offence punishable under Sections 30(a) and 56(c) of the Bihar Prohibition and Excise Act, 2016.

There is recovery of 45.625 litres illicit liquor from the house of two co-accused persons.

Learned counsel for the petitioner submits that petitioner has been implicated merely due to statement of the co-accused persons, that he is also involved in illicit trade of liquor. The petitioner's implication is based on no cogent material. He is in custody since 29.08.2022 and earlier also his name has been dragged in similar prosecution arising out of Fatuha P.S. Case No. 143 of 2018.



Learned APP for the State has opposed the prayer for bail.

Having regard to the manner of recovery, the submissions advanced by the parties, period of custody and the fact that investigation is complete, this Court is inclined to allow the petitioner's prayer for bail.

Prayer for bail of the petitioner 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 Exclusive Special Judge, Excise, Patna City, Patna, in connection with Fatuha P. S. Case No. 256 of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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