

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66086 of 2022

Arising Out of PS. Case No.-162 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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SUMAN KUMAR Son of Ravindar Mahto R/v- Singhiya Ghat, P.S.-
Vibhutipur, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Adv.
For the Opposite Party/s : Mr. Rabindra Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 15-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

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

Learned counsel Mr. Anshu Dhar Sharma for the petitioner is permitted to make necessary correction in para 1 of the petition regarding Section of the FIR in course of the day.

Petitioner seeks regular bail in connection with Darbhanga Sadar (Bhalpatti O.P.) P.S. Case No. 162 of 2022 registered for the offences punishable under Section 420 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and

Excise Act, 2018.

As per the prosecution, the informant along with other police personnel acting upon a secret information intercepted a Pick Up Van and the petitioner was apprehended in course of fleeing away on seeing police personnel and upon conducting search, two mobile phones were recovered from the possession of this petitioner and 801 litres of IMFL (wine) was recovered from the alleged vehicle.

The main submissions advanced by learned counsel appearing for the petitioner are that though the petitioner was apprehended at the spot but on the alleged vehicle he was travelling as a passenger and on seeing the police party he jumped from the alleged vehicle having a sense of fear of the police as the alleged vehicle was surrounded by the police personnel and the petitioner has fair and clean antecedent and languishing in jail since 10.04.2022 and he is neither driver nor owner of the alleged vehicle from which the recovery of the alleged wine was made.

Learned APP Mr. Rabindra Kumar appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly the petitioner's fair and clean antecedent and his young age

mentioned in the FIR and also his custody period and as per the submission of petitioner's counsel, the trial has not started till now in respect of the petitioner despite the chargesheet has been filed against him, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner named-above be enlarged 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 Court concerned in connection with Darbhanga Sadar (Bhalpatti O.P.) P.S. Case No. 162 of 2022.

(Shailendra Singh, J)

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