

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4245 of 2024

Arising Out of PS. Case No.-165 Year-2023 Thana- MAHINDWARA District- Sitamarhi

Mithu Sahni @ Mithu Kumar S/O Naresh Sahni R/O Village- Koahi, P.S-
Mahindwara, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha

For the Opposite Party/s : Mr. Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2024 Heard Mr. Pramod Kumar Sinha, learned counsel
appearing on behalf of the petitioner and learned Additional
Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Mahindwara P.S. Case No. 165 of 2023, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018 and Section 414 of the
Indian Penal Code.

3. Allegedly the police in course of patrolling
apprehended a motorcycle that was parked near the road and on
search total 18 litres Indian made foreign liquor was recovered.
The petitioner was said to be identified by the local Chowkidar
in course of fleeing away from the place of occurrence.



4. It is submitted on behalf of the petitioner that the motorcycle in question was purchased just a week ago and as such even the registration number was not available. However, he has brought on record the paper book of the motorcycle which is marked as Annexure-2 to the application. He further submits that in fact on the alleged date of occurrence, after parking the motorcycle he had gone to the nearby market, in the meantime, the police came there and took away the motorcycle and thereafter this false case was instituted showing the recovery. He next submits that the implication of the name of the petitioner is only on account of his criminal antecedent of identical nature of crime, as has been disclosed in paragraph no. 3 of the application. He further submits that the alleged recovery has been made in the night of the alleged date of occurrence and any identification of the petitioner appears to be highly doubtful.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no independent witness to the alleged occurrence and the name of the petitioner has been implicated in this case on the basis of the identification made by the local Chowkidar, which appears to be



highly doubtful, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge I-cum- Exclusive Special Judge (Excise), Sitamarhi, in connection with Mahindwara P.S. Case No. 165 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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