

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11159 of 2024

Arising Out of PS. Case No.-178 Year-2023 Thana- HASANPUR District- Samastipur

Mitthu Kumar @ Miththu Kumar S/O Doman Mahto Village- Telni, PS.
Bithan, Dist. Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar, Adv.

For the Opposite Party/s : Mr.Kalyan Shankar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Hasanpur P.S. Case No. 178 of 2023 instituted for the offences
under Section 30(a) of the Bihar Prohibition and Excise Act,
2022 (Amended).

3. As per prosecution case, the police has recovered
altogether 262.080 liter Indian-made foreign liquor from the
Swift Dezire Car bearing Registration No. BR01BX-1923 as
also from black coloured Motorcycle bearing Registration No.
BR33Z-5374.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case due to ulterior and vexatious motive. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is neither driver nor owner of the seized vehicles. The petitioner has no concern with the seized liquor. At the time of occurrence, the petitioner did not flee from the spot as he was not aware of the contents of the material loaded in the vehicle. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present bail application in which he is on bail. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 14.10.2023.

5. Learned counsel for the petitioner again submits that the co-accused person namely Rajaram Kumar has been granted bail by this Court vide order dated 13.02.2024 passed in Cr. Misc. No. 7502 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also considering the claim based on parity, let the petitioner, abovenamed, be released on bail on furnishing bail



bonds of Rs.10,000/- (Ten thousand) with two sureties of the
like amount each to the satisfaction of Court below/concerned
Court in connection with Hasanpur P.S. Case No. 178 of 2023.

(Rudra Prakash Mishra, J)

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