

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55435 of 2024**

Arising Out of PS. Case No.-47 Year-2024 Thana- Marnga District- Purnia

MITHU KUMAR @ MITHU KUMAR PASWAN S/O CHANDESHWARI
PASWAN R/O VILLAGE- BUDHIA, P.S- SARSI, DISTT.- PURNEA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, Advocate

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

ORAL ORDER

2 09-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Maranga P.S. Case No. 47 of 2024 instituted for the
offences under Sections 30(a) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that total 997.275
litres of liquor was recovered out of which 944.4 litres liquor
was recovered from Bolero vehicle and 52.855 litres liquor was
recovered from Scorpio vehicle.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. The name of the petitioner transpired in this case on the basis of confessional statement of the co-accused Tafijul and Nitish Kumar. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that petitioner is neither the owner nor the driver of any of the vehicles. The petitioner has got no concern with the alleged recovery of liquor. The co-accused person has already been granted regular bail by this Bench vide order dated 24.06.2024 passed in Cr. Misc. No. 43177 of 2024. The petitioner has one criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest/surrender before the learned Court below within a period of six months from today, be released on anticipatory 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 Maranga P.S. Case



No. 47 of 2024, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

Alok Verma/-
(Rudra Prakash Mishra, J)

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