

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70856 of 2024

Arising Out of PS. Case No.-139 Year-2024 Thana- Marnga District- Purnia

Mitthu Kumar @ Mithaiya @ Mitthu Kumar Pandit, Male, aged about 35 years, S/O Vasudev Pandit, R/O Village- Harda Basti, P.S- Maranga, Distt.- Purnia.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shivesh Kumar Singh, Advocate
For the Opposite Party : Mr. Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Maranga P.S. Case No. 139 of 2024 dated 10.07.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 230.70 litres of illicit foreign liquor was recovered from the car in question.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the name of the petitioner



has come in the present case only on the basis of the confessional statement of the co-accused Mithilesh Kumar who has got no evidentiary value in the eye of law. It is further submitted that the petitioner has no concern with the alleged recovered liquor and the Hundai Car in question. The petitioner is neither the owner nor the driver of the car in question. It is further submitted that the other co-accused person Mithilesh Kumar has already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 363095 of 2024 under order dated 04.09.2024. The petitioner has five criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-I, Purnea in connection with Maranga P.S. Case No. 139 of 2024, subject to the condition as laid down under



Section 482(2) of the B.N.S.S. with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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