

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.825 of 2025

Arising Out of PS. Case No.-61 Year-2021 Thana- BIKRAM District- Patna

Mithun Kumar S/o Vir Bahadur Rai Resident of Village- Near Devasthan,
Girwari Tola, Singhara, Copa, PS- Dulhin Bazar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Tiwari

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-01-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bikram P.S. Case No. 61/2021 registered for the offences punishable under Sections 420, 467, 468, 471, 120(B)/34 of the Indian Penal Code and Sections 30 (a), 36, 41 (i) (ii) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, informant alongwith police officials apprehended nine persons alongwith truck and other small vehicles from where 1422 liters foreign liquor was recovered. Apprehended co-accused, Sonu Kumar, disclosed the name of petitioner and other who fled away from the place of occurrence.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. The petitioner bears criminal antecedent of one case in which he is already on bail. He further submits that the said vehicle in question does not belong to the petitioner. He further submits that the petitioner was not present at the place of occurrence. Except disclosure of co-accused, there is nothing on record to connect the petitioner with the alleged occurrence. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that co-accused, Sanjay Kumar, has already been granted anticipatory bail by this Court vide Cr. Misc. No. 65049 of 2023 and the case of present petitioner stands on better footing.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, co-accused has already been granted anticipatory bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be



released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur, Patna in connection with Bikram P.S. Case No. 61/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

vashudha/-

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