

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7323 of 2019

Arising Out of PS. Case No.-382 Year-2018 Thana- PATNA GRP CASE District- Patna

Nageshwar Singh Kushwaha, aged about 32 years, gender, Male, Son of Purushottam Singh Kushwaha @ Purusottam, Resident of Village- Uttar Tola (Khemu Rai) Gahmar (Purana Kaksh, 2 Gahmar), P.S.- Gahmar, District- Ghazipur (Gazipur) (U.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhim Kumar Yadav

For the Opposite Party/s : Mr.Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 25-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Patna Junction P.S. Case No.382/2018 registered for the offence punishable under Section 273 of the I.P.C. and Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

Allegation is recovery of about 134.4 litres foreign liquor from the bag of the petitioner.

It has been submitted on behalf of the petitioner that he is innocent and nothing was recovered from the conscious possession of the petitioner rather the said recovery was made from the train and due to suspicion, the petitioner has been falsely implicated in this case. Petitioner has no criminal antecedent and he is in custody since 28.10.2018.



Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna in connection with Patna Junction P.S. Case No.382/2018, Special Case No.10304/18 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

Sanjay/-

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