

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26120 of 2021**

Arising Out of PS. Case No.-391 Year-2020 Thana- PUPRI District- Sitamarhi

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Kishan Kumar Son of Binod Sah @ Vinod Sah Resident of Village - Gadha
Ward no.6 @ Garha Ward No.6, P.S.- Pupri, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Smt Sangita Sharma A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 27-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Pupri P.S. Case No. 391 of 2020, registered for the offence under Sections 272, 273/34 of the I.P.C. and Section 30(a) of Bihar Prohibition and Excise Act.

140 liters & 730 ml. of foreign liquor has been recovered from the house of co-accused Dharmendra Kumar, who was apprehended by the police and he disclosed the name of petitioner, as one of his associates, who fled away from there after seeing the police.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of the petitioner. The recovery has been made from the house of co-accused Dharmendra Kumar and petitioner has got no concern with the seized liquor. Petitioner is in custody since 11.01.2021.



Learned A.P.P. for the State has opposed the bail petition.

Considering the nature of allegation and period of custody, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. II cum Special Judge Excise Act, Sitamarhi in connection with Pupri P.S. Case No. 391 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

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

(Prabhat Kumar Singh, J.)

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