

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2893 of 2021

Arising Out of PS. Case No.-202 Year-2019 Thana- KATHAIYA District- Muzaffarpur

Akhilesh Giri Son of Bishwanath Giri Resident of Village- Thikahan Kothi @
Thikahan Basudeva, Police Station- Kathaiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 10-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Kathaiya P.S. Case No. 202 of 2019, registered for the offence under Section 272, 273/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

On a secret information, a raid was laid and 530.985 liters of foreign liquor and 361 liters of spirit were recovered from the house of co-accused Chintu Rai and this petitioner alongwith other accused persons are said to have fled away from the place of occurrence.

It is submitted on behalf of petitioner that nothing has been recovered from conscious possession of the petitioner. Recovery has been made from the house of co-accused Chintu Rai. Petitioner has got clean antecedent and he is in custody



since 06.09.2020. Chargesheet has already been submitted.

Considering the fact that alleged recovery has been made from the house of co-accused Chintu Rai coupled with the fact that petitioner has got clean antecedent, the bail application 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 Special Judge Excise Act, Muzaffarpur in connection with Kathaiya P.S. Case No. 202 of 2019, 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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