

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15780 of 2022

Arising Out of PS. Case No.-237 Year-2021 Thana- KARJA District- Muzaffarpur

1. Jaishankar Thakur Son Of Late Rajdeo Thakur Resident Of Vill- Chiknauta, P.S - Karja, Dist- Muzaffarpur.
2. Md. Khurshid Alam @ Khurshid Son Of Md. Alauddin Resident Of Vill- Chiknauta, P.S - Karja, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State by virtual mode.

The petitioner seeks bail in connection with Kajra P. S. Case No. 237 of 2021 registered for the offences punishable under Section 272, 273/34 of Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 27.42 litre country made wine as well as foreign liquor from the back side of the house of the petitioner no. 1 and the petitioners were apprehended on the spot.



Learned counsel for the petitioners submit that petitioners are in custody since 26.11.2021 and petitioner no. 1 bears two more criminal history while petitioner no. 2 has a criminal antecedent on which he has been granted bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the evidence. Learned counsel for the petitioners further submit that alleged recovery has been made from the backside of the house of the petitioner no.1 and petitioners have no concern with the seized liquor. Nothing has been recovered from the conscious possession of the petitioners and the seized liquor does not belong to the petitioners. It is alleged that petitioners have been falsely implicated in this case.

The learned A.P.P. for the State vehemently opposes the prayer for the bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering the evidence and also taking into consideration the material available on record, let the petitioners above named be released on 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 Judge Excise Court No. II, Muzaffarpur in connection with



Kajra P. S. Case No. 237 of 2021, subject to following conditions:-

(I) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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