

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20579 of 2022

Arising Out of PS. Case No.-253 Year-2021 Thana- MUSAHARI District- Muzaffarpur

GIRIJESH KUMAR @ KANHAI SINGH S/o Nantun Singh @
Shashibhushan Prasad Resident of Village- Manika Vishunpur Chand, P.S.-
Mushari, District- 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.Akbar Ali

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 petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Musahari
P.S. Case No. 253/2021 registered for the offences punishable
under Sections 272, 273/34 of the Indian Penal Code and
Sections 30(a), 36 of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
total 876.6 liters illegal foreign liquor from three vehicles in
question. The petitioner was not apprehended on the spot.
Apprehended persons disclosed the name of the petitioner.
Apprehended persons further disclosed that Girijesh Kumar



(petitioner) uses to bring consignment of the illegal liquor and distribute it among the persons.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner has neither concerned with the alleged seized liquor nor with the alleged seized vehicles. The petitioner is languishing in custody since 29.01.2022 and bears criminal antecedent of four cases in which three are of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case as well as period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** 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, Exclusive Excise Court No.1,
Muzaffarpur in connection with Musahari P.S. Case No.
253/2021, 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) Petitioner 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 petitioner tampers 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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