

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20299 of 2022**

Arising Out of PS. Case No.-115 Year-2021 Thana- KHAJAULI District- Madhubani

NAND KISHOR SINGH @ NAND SINGH @ NANDU SINGH Son of
Bhutai Singh @ Nathuni Singh Resident of Village - Sukki Dih Tola, P.S.-
Khajauli, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 29-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Khajauli P.S. Case No. 115 of 2021 registered
for the alleged offences under Sections 272 and 273 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Amendment Act, 2018.

As per prosecution case, recovery of 234 liters of
India made foreign liquor was made from a place situated
behind the house of the petitioner and when the raid was being

conducted, the petitioner and other co-accused persons fled away from there.

Learned counsel for the petitioner submits that the place from where recovery is said to be made does not belong to this petitioner. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his possession. The petitioner has been dragged in this case merely on suspicion and on saying of co-villagers. Otherwise there is no evidence against this petitioner as recovery of illicit liquor has been made from a place which was situated 20 meters away from the house of this petitioner and which was accessible to all. Charge sheet has been submitted in this case and the petitioner is in custody since 11.03.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made and the facts and circumstances which shows the petitioner was not apprehended from the spot and recovery is not shown to be made from his conscious possession and further considering the submission of charge sheet and the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty

thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 2nd Cum-Special Judge Excise Act, Madhubani in connection with Khajauli P.S. Case No. 115 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be the person, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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