

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20410 of 2022**

Arising Out of PS. Case No.-840 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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GIRIJESH KUMAR @ GIRJESH KUMAR @ KANHAI SINGH S/o
Sashibhushan Prasad Singh R/o village- Manika @ Bisunpur, P.S.- Mushari,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilesh Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 14-06-2022 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 Town

P.S. Case No. 840 of 2021 registered for the offences punishable

under Section 30(a) of Bihar Prohibition and Excise Act.

As per FIR as well as seizure list, 337.11 litre

foreign liquor has been recovered from the house of co-accused

Vinay Kumar Singh @ Rikky and his wife Puja Devi who

disclosed that the petitioner used to supply illicit liquor to them.

Learned counsel for the petitioner submits that

petitioner is in custody since 15.02.2022 and bears criminal



antecedent of four cases of similar nature in which he is on bail in three cases. He further submits that petitioner was neither found present at the alleged place of occurrence nor any incriminating material has been recovered from his possession or from his house and the petitioner has been implicated in the said case on the basis of mere confession of co-accused Vinay Kumar Singh @ Rikky who has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 1284 of 2022. Co-accused Puja Devi has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 72209 of 2021 and the petitioner stands on better footing in comparison to the above stated co-accused. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

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

Considering the facts and circumstances of the case as well as period of custody 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 Exclusive Special Excise Court No. 1, Muzaffarpur in connection with



Town P.S. Case No. 840 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who 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 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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