

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22683 of 2022

Arising Out of PS. Case No.-494 Year-2020 Thana- BAKHARI District- Begusarai

MADHAV KUMAR @ MADHAV KUMAR SINGH Son of Ramanand Chaudhary @ Ramanand Choudhary @ Rama Nand Singh Resident of village - Koriyama, Ward No.- 2, P.S.- Gadhpura, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mrs.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-07-2022 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 through virtual mode.

The petitioner seeks bail in connection with Bakhri P.S. Case No. 494/2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of total 29.910 liters foreign liquor from the motorcycle in question. Petitioner was not apprehended on the spot and the apprehended co-accused, Anil Kumar disclosed the name of the present petitioner.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The name of the petitioner has been sprang up in this case on the basis of confessional statement of co-accused, Anil Kumar. The petitioner is languishing in custody since 07.02.2022 and bears criminal antecedent of one case of similar nature in which he is on bail. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Anil Kumar and Rajesh Yadav @ Rajesh Kumar Ranjan have been granted bail by the co-ordinate Benches of this Court vide Cr. Misc. No.24612/2021 and Cr. Misc. No.9925/2022 respectively as mentioned at Annexure-2 of the bail petition.

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, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court-02, Begusarai in connection with Bakhri P.S. Case No. 494/2020, 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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