

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25344 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- HARLAKHI District- Madhubani

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Ashish Kumar S/o Ratilal Mahto R/o village- Pipraun Ward No. 11, P.S.-
Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udeshya Kumar Yadav, Advocate.

For the Opposite Party/s : APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Udeshya Kumar Yadav, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Harlakhi P. S. Case No. 17 of 2022
registered for the offences punishable under Sections 272, 273



read with 34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that while the police was on a patrolling duty, they apprehended one Scorpio vehicle and two motorcycles, however the driver of the Scorpio vehicle and rider of the motorcycles managed to flee away after leaving their vehicles, one of the riders of the motorcycles was arrested, who disclosed his name as Ashish Kumar. It is further alleged that on search being made 810 litres from the Scorpio vehicle and 90 litres Nepali Soufi wine was recovered from both the motorcycles.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is neither owner of the said vehicles nor he has any concern with the alleged recovered Nepali Soufi wine and only because of suspicion his name has been implicated in the present case. It is further submitted that the petitioner is a man of fair antecedent and is in custody since 23.01.2022, though the investigation of the crime is already completed and the charge-sheet has been submitted and moreover, the petitioner is ready to give undertaking that he will co-operate in the trial.

On the other hand, learned APP for the State



opposes the bail application and submits that 45 litres of Nepali Soufi Wine has been recovered from the motorcycle of the petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is in custody since 23.01.2022, having fair antecedent and moreover, the investigation of the crime is already completed and the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Harlaxhi P. S. Case No. 17 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates
without any cogent reason, his bail bonds will
liable to be cancelled.

(Harish Kumar, J)

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