

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26353 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- MAJORGANJ District- Sitamarhi

RATNESH PRASAD KUSHWAHA Son of Ram Vnod Mahto Resident of
Village - Madhubani, P.s.- Malangwa, and Distt.- Sarlahi (Nepal)

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Rita Verma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-08-2022 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
Mejorganj P.S. Case No. 55 of 2022 registered for the offences
punishable under Sections 272, 273 of I.P.C. read with Section
30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 243 litres Nepali Saufi from the Maruti Suzuki in question.
The petitioner is apprehended on spot, however, four persons
managed to flee away.

Learned counsel for the petitioner submits that
petitioner is in custody since 07.03.2022. Petitioner bears no



criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. The alleged vehicle does not belong to the petitioner. There is no compliance of Section 100 Cr.P.C.

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, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail 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 Special Excise Court – I, Sitamarhi in connection with Majorganj P.S. Case No. 55 of 2022, 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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