

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29740 of 2022

Arising Out of PS. Case No.-94 Year-2022 Thana- MADHUBANI TOWN District-
Madhubani

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SURAJ KUMAR @ JADDU S/o- Dilip Mahto @ Goriwala Resident of
Village - Gadiyani Ward No. 05, P.S. - Town, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah
For the Opposite Party/s : Mr.Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 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
Madhubani Town P.S. Case No. 94/2022 registered for the
offences punishable under Sections 272, 273, 34 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act.

As per prosecution case, there is alleged recovery of
total 03 liters illegal wine from the Scooty in question. The
petitioner was not apprehended on the spot and the local people
disclosed the name of fled away persons.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to village politics. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has neither concerned with the seized wine nor concerned with the seized Scooty. The petitioner is remanded in this case on 28.03.2022 since then he is in custody and bears criminal antecedent of 09 cases of similar nature and he is on bail. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed 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 keeping in view clean antecedent of petitioner 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 2nd Additional Sessions Judge cum Special Judge, Excise Act,



Madhubani in connection with Madhubani Town P.S. Case No. 94/2022, 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.

(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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