

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30661 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- MADHWAPUR District- Madhubani

Munna Kumar Prasad, Son of Raja Ram Prasad, R/O- Vill- Rampatti, P.S.-
Raj Nagar, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Subhash Kumar Jha, learned counsel appearing on behalf of the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Madhwapur P.S. Case No. 38 of 2022 registered for the offences punishable under Sections 272, 273/414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that while the petitioner was coming from Nepal to India on a motorcycle, the Border Security Force apprehended the petitioner and on



search 23 litres of Nepali Saufi Bear was recovered from his possession.

Learned counsel appearing on behalf of the petitioner submits that in fact nothing has been recovered from the person or possession of this petitioner and only on account of some altercation, which took place between the petitioner and the B.S.F. personnel in course of vehicle checking, his name has been implicated in this case. It is next submitted that apart from the other infirmities in the seizure list, there is no compliance of Section 100 of the Cr.P.C. He further submits that the petitioner is in custody since 17.03.2022, having fair antecedent, and moreover after completion of the investigation, charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner is in custody since 17.03.2022, having fair antecedent, and moreover after completion of the investigation, charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioner, named above, 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 Madhwapur P.S. Case No.38 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically 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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