

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31741 of 2022

Arising Out Of Ps. Case No.-59 Year-2022 Thana- Khajauli District- Madhubani

1. Satyendra Kumar Singh Son Of Yogendra Singh @ Yogendra Narayan Singh
R/O Village- Kasma Marar, Ward No.-2, P.S.- Khajauli, District- Madhubani
2. Laxman Kumar Singh Son Of Bauli Singh R/O Village- Mainapatti, P.S.-
Babubarahi, District- Madhubani

... .. Petitioner/S

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh

For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-08-2022 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 petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with G.R. No. 551 of 2022 arising out of Khajauli P.S. Case No.59 of 2022 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of total 576 liters Nepali Beer and Nepal Country made wine from the house of petitioner no. 1. Both petitioners were apprehended



on spot.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. The petitioners are languishing in custody since 12.04.2022 and bear no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. It has been further submitted that said house is a joint house of the family members and petitioners have no knowledge of the recovered liquor.

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, charge sheet has already been submitted and keeping in view clean antecedent of petitioners and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge IInd -cum-Special Judge Excise Act, Madhubani in connection with G.R. No. 551 of 2022 arising out of Khajauli P.S. Case No.59 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) Petitioners 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 petitioners tamper 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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