

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40145 of 2022

Arising Out of PS. Case No.-41 Year-2022 Thana- KHAJAULI District- Madhubani

NAND KISHORE SINGH Son of Suryanarayan Singh Resident of Village -
Kamlabari, Purab Tole, P.S. - Jainagar, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 23-09-2022 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. Ravindra Kumar Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Khajauli P. S. Case No. 41 of 2022 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act.

As per the prosecution case, it is alleged that the police intercepted a motorcycle and on search, total 90 litres



illicit wine was recovered. It is also alleged that the persons, who were riding the motorcycle, succeeded in fleeing away.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. It is also submitted that only because he being owner of the motorcycle, which was said to have been seized by the police personnel, his name has been implicated in this case, though, the motorcycle was given to his friend for riding. It is further submitted that the investigation of the crime is already completed and the charge sheet has been submitted and there is no likelihood of commencement of trial in near future, though, the petitioner is in custody since 21.04.2022, apart from the fact that there is non-compliance of Section 100 of the Cr.P.C.

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

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the investigation of the crime is already completed and charge sheet has been submitted in as much as the petitioner was neither arrested at the spot nor any incriminating material has been



recovered from his conscious of constructive possession, 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 District and Sessions Judge- II-cum-Special Judge, Excise Act, Madhubani, Madhubani in connection with Khajauli P. S. Case No. 41 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.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed



his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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