

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42812 of 2022**

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

MAHENDRA SINGH Son of Vishnudeo Singh Resident of vill- Selra, Ward
no. 12, P.s- Jaynagar, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash
For the Opposite Party/s : Mr.APP

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 26-08-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with
Khajauli P.S. Case No. 94 of 2022 registered for the offences
punishable under Sections 272, 273 of the I.P.C. and Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 54 litre illicit Nepali liquor from the bags of the petitioner
and he was apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 05.06.2022 and bears no criminal
antecedent. Learned counsel specifically submits that charge



sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from conscious possession of the petitioner or from his house. Seizure list has not been made as per law.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted 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 Additional Sessions Judge II cum Special Judge, Excise Act, Madhubani in connection with Khajauli P.S. Case No. 94 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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