

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51267 of 2022

Arising Out of PS. Case No.-165 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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KISHOR BACHAN SON OF KUNDAN MAHTO Resident of Village-
Paterwa, Ward No. 05, P.S.- Sonbersa, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Devendra Kumar
For the Opposite Party/s : Mr.Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-09-2022 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 C-2

Case No. 165 of 2021 registered for the offences punishable

under Sections 30(a) of the Bihar Prohibition and Excise

Amendment Act.

As per prosecution case, there is alleged recovery

of 297 liters Nepali Saufi wine which was being brought by

petitioner and others from Nepal to India. The petitioner

alongwith other co-accused person is apprehended on spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 27.03.2021. Petitioner bears no criminal antecedent. Prosecution report has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession or personal possession of the petitioner. The petitioner has no concern with the alleged Nepali Sauphi wine. Petitioner is quite innocent and has falsely been implicated in the present case. Co-accused Ramrup Rai has already been granted bail vide Cr. Misc. No. 40027 of 2021 by a co-ordinate bench of this Court and the case of present petitioner stands on similar footing.

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 as well as period of custody, prosecution report has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner 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 District and Sessions Judge-II-



cum-Special Judge (Excise Act), Sitamarhi in connection with
C-2 Case No. 165 of 2021, 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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