

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56132 of 2021

Arising Out of PS. Case No.-165 Year-2019 Thana- KATHAIYA District- Muzaffarpur

Hari Mohan Singh, Son of Late Gangotri Singh, R/o Village- Nawalpur
Godwara, P.S.- Kathaiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr.Braj Kishore Pd.(APP)

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 06-01-2022 This application is taken up out of turn for hearing because wife of the applicant is stated to be undergoing the surgery as advised by the Doctor.

The applicant/accused in Crime No. 165 of 2019 registered with Kathaiya Police Station for the offences punishable under Sections 272 and 273 r/w Section 34 of the Indian Penal Code as well as Section 30(a) of the Bihar Prohibition and Excise Act, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that there is no evidence against the applicant and he is unnecessary languishing in the Jail.

The learned Additional Public Prosecutor opposed the application by contending that the offence is serious.



I have considered the submissions so advanced and also perused the material placed before me.

On specific information that one Subodh Bhagat is transporting the illicit liquor, the vehicles were being checked. One Bolero vehicle came to be intercepted. Few travelers from that vehicle ran away. One of them is identified as Mukesh Singh. Thereafter, 38 cartoons of illicit liquor were seized from the Bolero vehicle.

Thus the applicant was not apprehended at the spot nor anything is stated to be seized from him. Investigation of the crime in question is over and hence, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 165 of 2019 registered with Kathaiya Police Station for the offences punishable under Sections 272 and 273 r/w Section 34 of the Indian Penal Code as well as Section 30(a) of the Bihar Prohibition and Excise Act be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the



facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Bhardwaj/-

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