

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53853 of 2022

Arising Out of PS. Case No.-87 Year-2017 Thana- KHAJAULI District- Madhubani

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SANJEEV PRADHAN @ SANJEEV KUMAR PRADHAN S/o- Late Bharat
Pradhan R/o- Village - Maharajganj, P.S.- Town, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah

For the Opposite Party/s : Mr.Murli Dhar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-10-2022 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 through virtual mode.

The petitioner seeks bail in connection with
Khajauli P.S. Case No. 87 of 2017 (G.R. No. 407/2017)
registered for the offences punishable under Sections 272, 273
of the Indian Penal Code read with Section 30(a) of the Bihar
Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 170.1 liters Nepali country made liquor from the Honda City
car in question.

Learned counsel for the petitioner submits that
petitioner is in custody since 30.05.2022. Petitioner bears one



criminal antecedent of similar nature. Learned counsel further submits that petitioner is not named in the F.I.R. During course of investigation apprehended co-accused Indal Kumar confessed that petitioner and other co-accused persons are involved in the business of illicit liquor and he was going to deliver the recovered liquor to the present petitioner. The petitioner is neither driver nor owner of the said vehicle. Nothing has been recovered from the conscious possession or personal possession of the petitioner. Petitioner has no concern with the alleged illicit 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 as well as period of custody, petitioner is not named in the F.I.R. and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge-cum-Special Judge, Excise Act, Madhubani in connection with Khajauli P.S. Case No. 87 of 2017 G.R. No. 407 of 2017, 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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