

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55429 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- KHAJAULI District- Madhubani

Kishori Singh Son of Late Bindeshwar Prasad Singh Resident of Village-
Laskariya, P.S.- Jaynagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah
For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-10-2022 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. 133 of 2022 registered for the
offences punishable under Sections 272, 273, 414, 34 of the
IPC and Section 30(a) of Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged
recovery of total 405 litre of illicit Nepali liquor from the
four motorcycles in question.

Learned counsel for the petitioner submits that
petitioner is not named in FIR, during the course of
investigation his name has been transpired as the owner of
one seized motorcycles. He further submits that petitioner is



in custody since 18.08.2022 and bears no criminal antecedent. He further submits that alleged seized motorcycle was given by the petitioner to his son and he has no knowledge about the illegal use of that motorcycle. He further submits that petitioner has no concern with the alleged recovered wine. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is quite innocent and falsely implicated in the case. Petitioner is not named in the FIR.

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, petitioner is not named in the FIR, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides 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 2nd Additional Sessions Judge cum special judge Excise Act, Madhubani in connection with Khajauli P.S.



Case No. 133 of 2022(G.R. No. 1298 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)

vashudha/-

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