

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60542 of 2022**

Arising Out of PS. Case No.-144 Year-2022 Thana- KHAJAULI District- Madhubani

Md. Kalim S/O Md. Israil Resident of Village- Bholu Chouk, Ward No- 03,  
P.S.- Town Darbhanga, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate

For the Opposite Party/s: Mrs.Pushpa Sinha.1, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      02-12-2022                      Heard learned counsel for the petitioner and learned  
APP for the State through video conferencing.

Let the defect (s), if any, as pointed out by the office  
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in connec-  
tion with Khajauli P.S. Case No. 144 of 2022 registered for the  
alleged offences under Sections 272 and 273 of the Indian Penal  
Code and Section 30(a) of Bihar Prohibition and Excise Act.

As per prosecution case, police received information  
about illicit liquor being carried in a tempo. When the said  
tempo was intercepted, petitioner tried to run away but he was  
apprehended. On search of the tempo 180 litres of Nepali coun-  
try made liquor was recovered.

Learned counsel for the petitioner submits that the pe-



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is neither the owner nor the driver of the said vehicle. He is merely a labourer who was passing from the road where the tempo was intercepted and was apprehended by the police merely on suspicion. The petitioner is in custody since 12.08.2022 and charge-sheet has been submitted. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner and further considering the period of custody of the petitioner along with the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty 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. 144 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

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