

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17161 of 2023

Arising Out of PS. Case No.-441 Year-2022 Thana- MIRGANJ District- Gopalganj

SHAILESH SINGH KUSHWAHA S/O SATYENDRA SINGH @
SAILENDRA SINGH KUSHWAHA Resident of Village- Baraipatti, P.S.-
Nautan, District- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Adv.

For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Mirganj P.S. Case No. 441 of 2022 dated 30.12.2022
registered for the offence under Sections 30(a) of the Bihar
Prohibition and Excise Act. .

Recovery is of 185.60 liters of illicit liquor.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that it appears
from the F.I.R. and the seizure list that nothing has been
recovered from the house or conscious possession of the
petitioner rather the alleged recovery has been made from



the back of Panchayat Bhawan kept on motorcycle. He further contends that the petitioner has no concern at all with the alleged recovery and the motorcycle in question. He further submits that the petitioner has been apprehended from the spot along with another co-accused, Guddu Kumar Yadav, who has already been granted bail by a co-ordinate Bench of this Court vide order dated 04.05.2023 passed in Cr. Misc. No. 10467 of 2023. He further contends that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 09.01.2023.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV -cum- Exclusive Special Excise Judge-II, Gopalganj in connection with Mirganj P.S. Case No. 441 of 2022 with the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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