

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13795 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- BHAIKAVSHTHAN District- Madhubani

SATISH KUMAR @ SATISH Son of Kapoora @ Kapur Singh R/v- Padana,
P.S.- Julana, Dist- Jind (Haryana)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 11.01.2023 in connection with Bhairavshthan P.S. Case No. 5 of 2023, G.R. No. 21 of 2023, F.I.R. dated 10.01.2023 for the offences punishable under Sections 272, 273, 420, 120B of the Indian Penal Code and Section 30(a), 32(i)(ii), 36, 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Recovery is of total 427.320 liters of foreign liquor from the truck.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the



conscious possession or the house of the petitioner rather the recovery has been made from the truck in question and petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that co-accused namely, Bijendra Singh who is owner of the vehicle in question has been granted bail by a co-ordinate Bench of this Court vide order dated 28.04.2023 passed in Cr. Misc. No. 15804 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 11.01.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made from the truck in question and petitioner has no concern at all with the alleged recovery of illicit liquor, let the petitioner, above named, 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 the learned Special Judge, Excise Act,



Jhanjharpur in connection with Bhairavsthan P.S. Case No. 5 of 2023 corresponding to G.R. No. 21 of 2023, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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