

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28810 of 2023

Arising Out of PS. Case No.-81 Year-2021 Thana- BANGARA District- Samastipur

HARISHCHANDRA SINGH @ BIDHAYAK @ HARISHCHANDRA
KUMAR @ HARISHCHANDRA KUMAR SINGH SON OF VISHNUDEV
SINGH @ VISHUN SINGH Resident of village Fatehpur Wala PS
Musrigharari, Distt Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with N.H.
Bangara P.S. Case No. 81 of 2021 registered for the offences
punishable under Sections 272, 273, 414/34 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
3041 litre and 280 ml foreign liquor was recovered from the
truck in question. Apprehended co-accused Santosh Kumar
disclosed that the consignment has been brought by the
petitioner.

Learned counsel for the petitioner submits that



petitioner is in custody 25.03.2023 and bears seven criminal antecedent which is similar in nature. He further submits that petitioner is quiet innocent and has falsely been implicated in this case. Petitioner is not apprehended on spot. Apprehended co-accused Santosh Kumar disclosed that the consignment has been brought by the petitioner. Nothing has been recovered from the conscious possession of the petitioner.

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, period of custody, 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, **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 Special Excise Judge-1, Samastipur in connection with N.H. Bangara P.S. Case No. 81 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife of 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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