

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40699 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- SAHARGHAT District- Madhubani

Sanskar Kashyap, Sex-Male, age about 21 years, Son of Bhagwan Kumar Jha
@ Bhagwan Jha, Resident of Village -Ghoghardiha, P.S. Ghoghardiha,
District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Saharghat
P.S. Case No. 71 of 2023 dated 17.05.2023 registered for the
offence punishable under Sections 279, 272, 273/34 of the
Indian Penal Code and Section 30 (a) of the Bihar Prohibition
and Excise Act.

As per the prosecution case, the allegation against the
petitioner is that he was caught with 72 liters of illicit liquor on
a motorcycle.

Learned counsel for the petitioner submits that the
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case due to some ulterior



motive. Learned counsel for the petitioner further submits that nothing incriminating has been recovered from the conscious possession of the petitioner and he never deal with illicit wine. Petitioner is in jail custody since 18.05.2023, having no criminal antecedent.

Learned APP appearing for the State has opposed the prayer for bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner above named, be released on bail **after framing of charge** upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge Excise Act, Madhubani in connection with Saharghat P.S. Case No. 71 of 2023, subject to the following conditions:

(i) 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.

(ii) In case of absence on two consecutive dates without sufficient reason or if the petitioner misuse the liberty or violate any of the conditions imposed upon him his bail bond



will be liable to be cancelled by the Court concerned.

(iii) If the petitioner tampers with the evidence or the witness, in that case the prosecution will be at liberty to move for cancellation of bail.

(Sunil Dutta Mishra, J)

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