

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49679 of 2023

Arising Out of PS. Case No.-74 Year-2022 Thana- MADHWAPUR District- Madhubani

KAILASH SINGH SON OF SUKHDEV SINGH RESIDENT OF VILLAGE-
KAMALDAH, PS- BATHNAHA, DIST- SITAMARHI

... .. 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 : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Madhwapur P.S. Case No.74 of 2022 registered for the offence
under Sections 272, 273 and 414/34 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 24.05.2023.

4. The allegation against the petitioner is to be
engaged in illegal trade of illicit liquor, where, there is recovery
of 1440 litres of illicit liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that petitioner was not apprehended on spot



and as mere his name found on a chit of paper, in place of recovery, was implicated with present case, without having any cogent materials. While concluding the argument, it is submitted that petitioner found involved in 02 more similarly nature of cases, where, he is on bail and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 24.05.2023, let the petitioner, above named, is directed to be released on bail in connection with Madhwapur P.S. Case No.74 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C. with further



conditions:

“(i)That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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