

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57994 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- JALE District- Darbhanga

NAND KISHORE SINGH S/O LATE RAMJI SINGH @ LATE RAMJI PRASAD R/O VILLAGE- PITHARIA (JOGIARA), P.S- JALE(JALLEY), DISTT.- DARBHANGA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishor Prasad, Adv.

For the Opposite Party/s : Mr. Md. Iftekhhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 06-09-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 14.04.2023 seeks bail, in connection with Jale (Jalley) P.S. Case No.43/2023, dated 14.04.2023, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.
3. According to prosecution case, total 662.76 litres of foreign liquor has been recovered from the scooty and house of the petitioner.
4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from



perusal of the F.I.R as well as seizure list, it appears that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the scooty and house of the petitioner and there is non-compliance of Section 100 Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 14.04.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, 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 Exclusive Special Judge-I, Excise Act, Darbhanga in connection with Jale (Jalley) P.S. Case No.43/2023, 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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