

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62015 of 2022

Arising Out of PS. Case No.-179 Year-2022 Thana- BENIPATTI District- Madhubani

BIJAY KUMAR MALLIK Son of Late Rudal Mallik Resident of village -
Beta Chowk, P.S.- Beta O.P. (Laheriyasarai), Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Benipatti P.S. Case No. 179 of 2022, correspondent to G.R. No. 1150 of 2022 registered for the offences punishable under Sections 272, 273/34 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 132.480 litre Nepali liquor from the car in question. Petitioner and other are apprehended on the spot.

Learned counsel for the petitioner submits that petitioner is in custody since 09.07.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution



evidence. Petitioner is quite innocent and has committed no offence as alleged against him in FIR. He has been falsely implicated in the present case. On similar allegation, co-accused Kishan Kumar Kharga has already been granted bail by co-ordinate bench of this Court vide Cr. Misc. No. 52228 of 2022. Seizure list has not been made as per law. There is no compliance of Section 100 of Cr.P.C.

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, keeping in view clean antecedent of petitioner, co-accused has already been granted bail by co-ordinate bench of this court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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, 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 in connection with Benipatti P.S. Case No. 179 of 2022, corresponding to G.R. No. 1150 of 2022, subject to



following conditions:-

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