

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66555 of 2022

Arising Out of PS. Case No.-94 Year-2022 Thana- KALUAHI District- Madhubani

Kishore Singh, Male, aged about 26 years, Son Of Thakkan Singh R/O
Village- Narar Navtoli, P.S.- Kaluahi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Namrata Mishra, Adv.

For the Opposite Party/s : Ms.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 This matter has been taken up today for consideration
through video conferencing.

Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with GR No. 1207
of 2022 arising out of Kaluahi PS Case No. 94 of 2022, dated
15-07-2022, registered for the offence punishable under Sections,
272 and 273/34 of the Indian Penal Code (*for brevity IPC*) and
Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

As per allegation in the First Information Report (*for
brevity FIR*), 121.88 liters illicit liquor has been recovered from the
petitioner's hutment.

Learned counsel for the petitioner submits that even as per
allegation, petitioner was fleeing away and not within the house at
the time of recovery. It is a case of false implication. Recovery is
denied and disputed not being in accordance with law.

The petitioner is in custody since 17-07-2022 though he
has no antecedents.

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



Considering the rival submissions, manner of recovery, period of custody and clean antecedent as also the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Additional Sessions Judge-II-Cum- Special Judge, Excise Act, Madhubani, in connection with GR No. 1207 of 2022 arising out of Kaluahi PS Case No. 94 of 2022, dated 15-07-2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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