

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66659 of 2023

Arising Out of PS. Case No.-103 Year-2023 Thana- SAHARGHAT District- Madhubani

KRISHNA KUMAR SON OF RAMRIT DAS VILL-DILAWARPUR PS-
BAHADURPUR DIST-DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 30-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Saharghat P.S. Case No. 103 of 2023 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.

3. As per prosecution case, 90 litre Nepali country made liquor was recovered from the motorcycle in question which was driven by the co-accused Sugandh Paswan. Petitioner and other were apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is not the owner of the said motorcycle in question. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the



seized liquor and he has nothing to do with the alleged occurrence. He further submit that co-accused Sugandh Paswan who is the owner of the said motorcycle in question, has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 68559 of 2023 and the case of present petitioner stands on better footing as the petitioner has been apprehended on the spot merely on suspicion. Petitioner is in custody since 04.08.2023 and bears no criminal antecedent. Learned counsel for the petitioner orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. There is no compliance of Section 100 of Cr.P.C.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. 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, 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 Saharghat P.S. Case No. 103 of 2023, 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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