

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 67632 of 2022**

Arising Out of PS. Case No.-65 Year-2022 Thana- KHUTAUNA District- Madhubani

KISHOR PAL S/o Rajendra Pal R/v- Gajhara, P.S.- Ladania, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ratanakar Jha, Advocate

For the Opposite Party/s : Mr Md Nazir Ansari, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 10-02-2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Khutauna Police Station (for brevity, **PS**) Case No 65 of 2022 dated 06.05.2022 registered for the offence punishable under Sections 272, 273 of Indian Penal Code and Section 30 (a) of Bihar Prohibition and Excise Act, 2018.

On 06.05.2022, there is alleged recovery of 315 liters Nepali country made liquor from a vehicle from which it is alleged that some persons have fled away.

Learned counsel for the petitioner submits that the local **Chowkidar** has stated that it is the petitioner who has fled away and only on such statement of **Chowkidar**, he has been made an accused. As per case, there is no recovery from him nor he was arrested at the time of recovery. Implication is due to his five antecedents and he has been arrested nearly four months after the alleged recovery and continues to be in custody since 03.09.2022. Investigation is complete.

Learned APP has opposed the prayer for bail.



Having considered the rival submissions, manner of recovery, nature of allegation, period of custody and 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 is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Madhubani in GR No 273 of 2022 arising out of Khutauna PS Case No 65 of 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)

M.E.H./-

U		T	
---	--	---	--

