

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3106 of 2024

Arising Out of PS. Case No.-94 Year-2023 Thana- KHIRHAR District- Madhubani

Harischand Kumar @ Harischandra Kumar @ Hari Chandra Kumar S/o Raj Kumar Sah R/o Village- Kaidrabad, P.S.- L.N.M.U. (University), Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13
: Mr.Rohit Kumar
For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Khirhar P.S. Case No. 94/2023 registered for the offences punishable under Sections 272, 273 and 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, there was alleged recovery of 81 liters Nepali liquor from the tempo in question and the petitioner was apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession



of the petitioner. The petitioner is languishing in custody since 28.10.2023 and bears no criminal antecedent. He further submits that the petitioner was neither owner of the said tempo nor was concerned with the alleged seized liquor. He is merely a driver and only carrying the passenger from the said tempo in question and has no knowledge regarding the alleged liquor that has been kept in the said tempo. He further submits that the seizure list has not been prepared as per the law. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposed 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, 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 bonds of Rs. 10,000/- (Rupees 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 Khirhar P.S. Case No. 94/2023,



subject to following conditions:-

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