

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51187 of 2017

Arising Out of PS.Case No. -421 Year- 2017 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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1. Nikesh Kumar, Son of Shiv Shankar Tiwary, Resident of Village-
Daudpur Kothi Kundal, P.S. Town, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Nagendra Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Sadar P.S.
Case No. 421/17 for offences punishable under Sections 143, 144,
158, 290, 414, 272, 273 of the Indian Penal Code, 25(1-b) A/(25-
1A)/ (25-1AA)/(25-1AAA)/26/26(ii), 35, 27 of the Arms Act and
30(a) of the Bihar Prohibition and Excise Act.

The prosecution case, as lodged by the police
personnel, is that on information that in the birthday party of the
daughter of co-accused Surendra Rai some arms and illicit liquor
is being used, the police raided the place and as many as 21
persons were apprehended and from the scene of incident 90



bottles of 180 ml. foreign liquor including arms and ammunitions were recovered from the possession of co-accused. Allegation upon the petitioner is that his breath was smelling of intoxicant as examined by the breath analyzer.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and no incriminating article has been recovered from his possession. He submits that no arms have been recovered, as such, the provisions of Arms Act is not applicable against him and he is languishing in judicial custody since 24.08.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur, in connection with Sadar P.S. Case No. 421/17, subject to the conditions that

- (i) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the



petitioner.

- (ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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