

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24178 of 2018

Arising Out of PS. Case No.-303 Year-2017 Thana- DALSINGHSARAI District- Samastipur

Nitish Kumar @ Munna S/o Satya Narayan Patel, R/o Vill.- Baikunthpur,
P.S.- Ujiarpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate

For the Opposite Party/s : None

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL ORDER

2 08-08-2018 Heard learned counsel for the petitioner. No one appears for the State.

The petitioner seeks bail in a case registered for offences punishable under Sections 30 (a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

Petitioner's prayer for bail was earlier rejected vide Annexure 1 on the ground that another case was filed against him under the same provision in connection with Dalsingsarai P.S. Case No.97 of 2017 in which he was arrested and was granted bail vide order dated 13.07.2017 passed in Criminal Miscellaneous No.31716 of 2017. However, one of the conditions for grant of bail was that if the petitioner, after his release in that case, is again found to be involved in a matter of



similar nature, the court concerned would be at liberty to take step for cancellation of his bail bond. Since after his release, petitioner was again found involved in similar type of activity for which he has been arrested in the present matter, the bail application was rejected, however, a liberty was granted to the petitioner to renew his prayer for bail after six months.

It is contended that the petitioner has already completed eight and half months in custody.

Having regard to the facts and the circumstances of the case, the abovenamed petitioner is directed to be released on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the 2nd Addl. Sessions Judge-cum-Special Judge Excise, Samastipur in connection with Dalasingsarai P.S. Case No.303/2017.

Further, if the petitioner, after his release in this case, is again found to be involved in similar nature of case then the court concerned would be at liberty to take steps for cancellation of his bail bond.

That apart, in view of the antecedents of the petitioner, he would be required to appear before the Superintendent of Police, Samastipur within fifteen days of his



release with a copy of this order and every two weeks thereafter for the next six months. The conduct of the petitioner will be kept under watch in the aforesaid period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned which should be granted by the Superintendent of Police upon his appearance.

(Dr. Ravi Ranjan, J)

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