

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14641 of 2018

Arising Out of PS.Case No. -28 Year- 2018 Thana -BIHTA District- PATNA

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1. Nagendra Kumar Singh, Son of Late Chandeshwar Prasad Singh,
Resident of Vivekanand Park Patliputra, P.S. Patliputra, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha

For the Opposite Party/s : Mr. Sri Rajendra Singh Shastriji

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-03-2018 Counsel for the petitioner is permitted to make

necessary correction regarding the period of custody as appearing

in paragraph-1 of this petition.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner is languishing in judicial custody since

10.01.2018 in connection with Bihta P.S. Case No. 28 of 2018 for

offences punishable under Section 30 (a), 38 of the Bihar

Prohibition and Excise Amendment Act, 2016.

The prosecution case, as lodged by the police

personnel, is that on secret information the vehicle of the

petitioner was searched in which four persons including the

petitioner were found to be present and from the vehicle 72 liters



of foreign liquor was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history with regard to similar offence and that nothing has been recovered from his conscious possession. He submits that neither the car belonged to him nor the illicit liquor belonged to him and he had taken lift in the car and had no concern with the other persons sitting in the car. It is further submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

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 Patna in connection with Bihta P.S. Case No. 28 of 2018, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who



will file an affidavit stating his relationship with the petitioner.

(2) 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)

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