

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16589 of 2019

Arising Out of PS. Case No.-89 Year-2018 Thana- NAYAGAON District- Begusarai

NITISH KUMAR Son of Suresh Yadav Resident of Village - Singhpur, P.S.-
Nayagown, Distt - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Shubhesh Pandey, Advocate
For the Opposite Party : Ms.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 21-05-2019 Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner seeks bail in connection with
Nayagaown P. S. Case No. 89 of 2018 registered under Sections
323, 341, 504, 506/34 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submitted that
save and except the fact that the petitioner is owner of
commercial vehicle bearing Registration No. BR 09 GA 2428
from which a large number of bottles of illicit liquor were
recovered, there is no other material to connect the petitioner
with the alleged offence. He submitted that the vehicle was
plying on hire and the petitioner does not know as to how the



driver got the prohibited liquor loaded on the pick-up van.

Learned counsel for the State admitted that in course of investigation also, no one has stated that the petitioner being owner of the vehicle was involved in illegal trade of illicit liquor. He also admitted that investigation against the petitioner has already been completed and charge-sheet has already been submitted.

Having regard to the submissions made on behalf of the parties, the petitioner, who is in custody since 09.01.2019, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum- Special Judge, Excise Act, Begusarai in connection with Nayagaown P. S. Case No. 89 of 2018, subject to the following conditions:-

- (a) that the petitioner shall attend court in accordance with the conditions of the bond executed,
- (b) that the petitioner shall not commit an offence similar to the offence of the present case, and



(c) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Ashwani Kumar Singh, J)

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