

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21357 of 2019

Arising Out of P.S. Case No.-205 Year-2018 Thana- KALYANPUR District- East Champaran

NITESH THAKUR, aged about 35 years (M) Son of Shivji Thakur Resident
of Village - Bhagwanpur, P.S.- Sahebganj, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-04-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
25.02.2019 in connection with Kalyanpur P.S.Case No.205 of
2018 for the offence alleged under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case as lodged by the informant
police personnel is that on secret information the four wheeler
vehicle was intercepted and two persons were apprehended. On
search from the vehicle 221.760 liters of Indian Made Foreign
Liquor was recovered. The apprehended co-accused named the
petitioner as the owner of the vehicle and the consignment
belonged to co-accused Chunnu. Accordingly, a seizure list was
prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and was not apprehended on the spot and the vehicle was taken by an acquaintance and he did not know that illicit liquor was being carried in his vehicle.

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

Considering the nature of allegations and the materials on record as well as the fact that the petitioner does not bear any criminal antecedent as stated in para-3 of the present application, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Kalyanpur P.S.Case No.205 of 2018 to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge, Excise, Motihari, East Champaran, subject to the condition that 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.

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(Nilu Agrawal, J)

