

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21663 of 2019

Arising Out of PS. Case No.-120 Year-2019 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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NITISH KUMAR @ ASHISH KUMAR @ ASHISH Son of Subhash Yadav,
Resident of Village- Ganeshpur Sthan Police Station and District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Shanker Pankaj
For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Special Case
No. 133 of 2019, arising out of Kotwali (Barari) P.S. Case No.
120 of 2019 for offences punishable under Sections 30(a) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information that a Scorpio vehicle is
carrying illicit liquor, the vehicle was intercepted, petitioner
tried to flee away, but was apprehended. On search, another co-
accused Chikku Kumar was found inside the vehicle and from
the vehicle 364 litres of country-made liquor was recovered.
Accordingly, a seizure-list was prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that nothing has been recovered from the conscious possession of the petitioner, he was just a passenger, rather the apprehended co-accused inside the vehicle was the driver of the vehicle and because of the high-handedness of the police, he has been made accused in the present case and is languishing in judicial custody since 18.02.2019. Petitioner undertakes to cooperate in the investigation and not to induce witnesses or tamper with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more case of similar nature is pending against him.

Considering the nature of allegations 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), Bhagalpur, in connection with Special Case No. 133 of 2019, arising out of Kotwali (Barari) P.S. Case No. 120 of 2019, subject to the following conditions :



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)

Rajesh/-

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