

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25975 of 2019

Arising Out of PS. Case No.-71 Year-2019 Thana- SIMRI District- Buxar

NIKIL YADAV @ NIKHIL YADAV, Male, aged about 22 years, Son of
Ramjee Yadav Resident of Village- Purana Bhojpur, Police Station- Dumraon
in the district of Buxar ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Sunil Kumar, Adv.
For the Opposite Party : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-05-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner seeks bail in connection with Excise
Case No. 260 of 2019 (Simri (R.D.R.O.P.) P.S. Case No. 71 of
2019) for the offence alleged under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that during patrolling they intercepted TVS
motorcycle driven by the petitioner, who on seeing the police
tried to flee away. From the bag in the motorcycle 23.400 liters
of Indian made 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 antecedent,
nothing has been recovered from his conscious possession and



is languishing in judicial custody since 07.03.2019.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and that the petitioner does not bear any criminal antecedent, as stated in paragraph 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 Excise Case No. 260 of 2019 (Simri (R.D.R.O.P.) P.S. Case No. 71 of 2019) to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Excise, Buxar, or the successor Court, 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.

(Nilu Agrawal, J)

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