

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80421 of 2018

Arising Out of PS. Case No.-220 Year-2018 Thana- PURAINI District- Madhepura

Nitish Kumar Son of Sri Lal Bahadur Yadav Resident of village-Baijnathpur,
P.S.-Saur Bazar District-Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Nath

For the Opposite Party/s : Mr.Smt. Veena Rani Prasadd.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 26-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Puraini P.S. Case No. 220 of 2018** registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Allegation against the petitioner is of recovery of 252 litres of country made illicit liquor from the Alto car in which petitioner was travelling.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case on mere suspicion. It has been further submitted that petitioner had taken lift from the said vehicle. Petitioner is in custody since 27.11.2018.

Considering the fact that the petitioner is accused in similar nature of offence, I am not inclined to enlarge the



petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.

However, it is observed that petitioner named above be released on bail by the court below after completing six months of Jail custody, upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned ADJ-II cum Special Judge, Madhepura, in connection with Puraini P.S. Case No. 220 of 2018, with following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.
- (4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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