

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29108 of 2020

Arising Out of PS. Case No.-171 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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NITESH KUMAR Son of Ram Sogarat Sahani Resident of Village -
Majhkotwa, P.S.- Mejarganj, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 12-11-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Mr. Akshay Lal Pandit, learned APP, is appearing as it is submitted that the brief has been allotted to him by the office of Advocate General. His name may also be printed in the cause list.

Heard learned counsel for the petitioner and learned APP for the State.



Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Complaint Case no. C2- 171 of 2020 instituted for the offence under Section 30(A) of the Bihar Prohibition and Excise Act.

Total 249 liters of Nepali wine is alleged to have been recovered from an Auto by the S.S.B. personnel on the Indo Nepal Border.

It is submitted by the petitioner's counsel that even as per the prosecution case he was not apprehended from the Auto. The petitioner, in fact, was moving on a motorcycle and made a victim of the circumstances. Having no criminal antecedents, he is in custody since 06.03.2020

The learned APP has opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the C.J.M. Sitamarhi, in connection with C2-171 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the



petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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