

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13162 of 2021**

Arising Out of PS. Case No.-232 Year-2020 Thana- SARAI District- Vaishali

NIRANJAN KUMAR @ ABHISHEK KUMAR Son of Late Satendra Sharma
@ Satyendra Sharma Resident of Village - Fatehpur (Fulwaria), P.S.- Sarai,
District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 20-07-2021 In view of sudden resurgence of COVID-19 infection

there is limited functioning of the High Court and therefore the

matter has been listed for consideration through virtual mode.

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

This Court would expect that the petitioner's Counsel
would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

Petitioner seeks bail in Sarai PS Case No. 232 of
2020, registered under Sections 30(a), 32(ii), 34(ii) and 41(i) of
the Bihar Prohibition and Excise Act, 2016.

1299.24 litres of foreign liquor has allegedly been



recovered from a pick-up van. Petitioner was apprehended from the cabin of said pick-up van.

Learned counsel for the petitioner submits that petitioner was not arrested from the cabin of said pick up van rather he was arrested from his house. Petitioner is victim of the aforesaid circumstance. He has no concern with the alleged recovery. There is no compliance of Section 100 of the Cr.P.C. Only on confessional statement of the petitioner he has been implicated in this case having no criminal antecedent. He is in custody since 06.10.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ IInd-cum-Excise Court, Vaishali at Hajipur in Sarai PS Case No. 232 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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