

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22807 of 2021

Arising Out of PS. Case No.-285 Year-2020 Thana- BIBHUTIPUR District- Samastipur

Nitish Kumar @ Jhariya @ Nitish Kumar Singh @ Jharilal aged about 24 years, Son of Ramesh Prasad Singh Resident of Village - Mahamadpur Sakra, P.S. - Bibhutipur, District - Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 30-11-2021 Heard learned counsel for the petitioner and the counsel appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner who is in custody since 20.1.2021 seeks bail in connection with Bibhutipur/Vibhutipur P.S. Case No. 285 of 2020 registered for the offence punishable under sections 272/273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016 as amended up to date and section 27 of the Arms Act.

It is the case of the prosecution that 90 liters of foreign liquor has been recovered from the bolero vehicle bearing registration no. BR01PF-7839 and 4410 liters of liquor



has been recovered from a truck bearing registration no. BR11A-4128. The FIR was lodged against three unknown persons.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and because one case was pending against him, he has been roped in the present case. It has further been submitted by the learned counsel for the petitioner that in the case which was registered before the present case, the petitioner has already been granted bail vide order dated 25.6.2021 passed in Cr. Misc. No. 12128 of 2021. He has further submitted that nothing incriminating has been recovered from the possession of the petitioner.

Learned counsel for the State, however, opposed the prayer for grant of bail to the petitioner.

Considering the rival contention, the material on record and the fact that nothing incriminating has been recovered from the conscious possession of the petitioner, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 50,000/- (Fifty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Act or Successor Court, Samastipur, in connection with Bibhutipur/Vibhutipur P.S. Case No. 285 of 2020 subject to the



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 offence, after his release on bail, the trial court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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