

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26518 of 2021**

Arising Out of PS. Case No.-461 Year-2020 Thana- BRAHMPUR District- Buxar

Nitish Kumar @ Nitesh Kumar S/O Kanhaiya Singh @ Kanhaiya Roy R/O
Village Nuaon, P.O.-Nuaon, P.S-Brahampur (Krishnabrahm), District-Buxar
(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Animesh Kumar

For the Opposite Party/s : Mr. Shailendra Kumar Singh A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 30-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in CIS No. 902 of 2020, arising out of Brahampur (Krishnabrahm) P.S. Case No. 461 of 2020, registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act.

129 liters & 600 ml. of foreign liquor has been recovered from a Honda CTVX Car and this petitioner is alleged to have fled away from the car after seeing the police.

It is submitted on behalf of petitioner that neither anything has been recovered from the conscious possession of the petitioner nor he was apprehended on the spot. The petitioner has been made accused in this case only on the basis of confessional statement of two co-accused, who were arrested on spot. Petitioner is in custody since 01.02.2021.



Learned A.P.P. for the State has opposed the bail petition.

Considering the nature of allegation and period of custody, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned Additional District & Sessions Judge II cum Special Judge (Excise), Buxar in connection with CIS No. 902 of 2020, arising out of Brahampur (Krishnabrahm) P.S. Case No. 461 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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