

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28896 of 2021

Arising Out of PS. Case No.-417 Year-2020 Thana- BIDUPUR District- Vaishali

NIKHAN @ NIKKA RAM S/o Terpem Lal Resident of House No. 293/13,
Balmiki Basti, Nahan, P.S.- Nahan, District- Sirmaur (Himachal Pradesh)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Adv. Mr. Shyam Kumar, Adv.
For the Opposite Party/s	:	Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 08-12-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, a total of 4986 litres of IMFL was recovered from a truck of which the petitioner is stated to be the driver.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the possession of the petitioner nor from his truck. He has been falsely implicated in the case for oblique reasons. He is in custody since 6.10.2020 and has no criminal antecedent.

The application for bail is opposed by learned



A.P.P. for the State who submits that the petitioner is a resident of outside the State of Bihar.

Having heard learned counsel for the parties and taking into consideration the facts of the case especially the petitioner not having any criminal antecedent and having remained in custody for over 1 year, the Court directs the petitioner to be enlarged on bail in connection with Bidupur P.S. Case no.417 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II-cum-Excise Court, Vaishali at Hajipur.

In view of the fact that the petitioner is a resident of outside the State of Bihar, it is directed that one of the bailors of the petitioner shall be a close relative and the other bailor shall be a resident of a place within the jurisdiction of the learned trial court.

(Partha Sarthy, J)

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