

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30243 of 2021

Arising Out of PS. Case No.-92 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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1. NITISH KUMAR S/o Chhatthu Rai Resident of Sajawalpur, P.S.- Sakra,
District- Muzaffarpur
 2. Kundan Kumar S/o Jai Prakash Sahni R/o village- Bakhtiyarpur, P.S.- Chak
Mehshi, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 13-08-2021 Heard learned counsel for the petitioners and the
State.

Petitioners seek regular bail in a case registered for
the offence punishable under Section 30 (a) of the Bihar
Prohibition & Excise Act.

As per the prosecution case, 153 liters of foreign
liquor was recovered from a car and these petitioners along with
other accused persons, who were sitting in the car, were arrested
on the spot.

Learned counsel appearing for the petitioners submits
that petitioners are innocent and have falsely been implicated in
the case. No incriminating article has been recovered from the
conscious possession of the petitioners and they are in no way



concerned with the alleged recovery. Petitioners are neither owner nor driver of the vehicle. Petitioners are in custody since 03.03.2021 and charge sheet has already been submitted.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioners, let the petitioners, 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 Additional Sessions Judge-II-cum- Special Judge, Excise Act, Kishanganj in connection with Special Case No. 92/2021 (C.I.S. No. 92/2021) on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

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(Prabhat Kumar Singh, J)

