

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39465 of 2020

Arising Out of PS. Case No.-107 Year-2020 Thana- NASRIGANJ District- Rohtas

NITESH KUMAR S/O LALIKANT PRASAD R/O BADDI BAZAR, P.S. -
NASRIGANJ, DISTRICT - ROHTAS

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ankit Katriar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 12-02-2021 Heard learned Counsel for the petitioner and the learned
Counsel 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 Nasriganj PS Case No. 107 of 2020 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

From 8.7.2020 the petitioner is in custody on alleged recovery of 18 liters of IMFL from his house while he was seen fleeing away.

Learned Counsel for the petitioner submits that the recovery is not in accordance with Section 100 Cr.P.C. It is a case of false implication and the petitioner has no criminal antecedent. It is further submitted that there is no forensic opinion to support the allegation that the recovered substance is intoxicant.

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 Additional District & Sessions Judge II -cum- Special Judge, Excise, Rohtas Sasaram in Nasriganj PS Case No. 107 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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