

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4909 of 2021

Arising Out of PS. Case No.-109 Year-2020 Thana- SAHARGHAT District- Madhubani

CHHOTE NAYAK Son of LATE JIBACHH NAYAK Resident of Village -
Saharghat, P.S.- Saharghat, Distt.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

The petitioner seeks bail in Saharghat P.S. Case No.
109 of 2020 registered for the offences punishable under
Sections 30(a) of the Bihar Prohibition and Excise Act and
Section 272/273 of the Indian Penal Code.

As per the prosecution case, on a secret information, a
three wheeler (tempo) was intercepted and this petitioner was
arrested on the spot and upon search of vehicle, 255 litres of
Nepali Saufi liquor has been recovered.

It is submitted on behalf of the petitioner that nothing
has been recovered from the possession of the petitioner, but
was allegedly saddled on his shoulder. Petitioner is neither the
driver nor the owner of the tempo in question and has been
arrested only on the basis on suspicion. Petitioner is in custody



since 27.09.2020.

Considering the fact that nothing has been recovered from the possession of the petitioner and petitioner is neither the driver nor the owner of the vehicle in question, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Additional Sessions Judge, II cum Special Judge, Excise Act, Madhubani in connection with Saharghat P.S. Case No. 109/2020, subject to following conditions:-

(1) Petitioner 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 on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.

(2) If the petitioner tempers 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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