

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3127 of 2022

Arising Out of PS. Case No.-283 Year-2021 Thana- ATRI District- Gaya

NITISH KUMAR @ BANDA S/O GAURI YADAV R/o village- Sheotar,
Ward No. 05, Sauntar, P.S.- Atri, District- Gaya, Bihar- 805109

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-06-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the state.

The petitioner seeks regular bail in connection with Atri P.S. Case No. 283 of 2021, registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Amendment Act, 2018.

As per prosecution case, it is alleged that there is recovery of 22 litres from the motorcycle and petitioner is one of the riders on the motorcycle and he was apprehended on the spot.

Learned counsel for the petitioner has submitted that



petitioner bears criminal history of three cases on which he is on bail. Petitioner is languishing in jail custody since 23.08.2021. Charge-sheet has already been submitted and there is no likelihood of tampering with the evidence and seizure list has not been prepared as per law. So thereby violation of mandatory provision of 100 Cr.P.C. Petitioner is not the owner of the said vehicle as submitted.

The learned APP for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Addl. Session Judge-Iind-cum-Special Judge of Excise Act, Gaya in connection with Atri P.S. Case No. 283/2021, subject to following condition:-

- (i) The petitioner shall be released after framing of charge.
- (ii) One of the surety shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.
- (iii) Petitioner will co-operate in trial and will remain



present on all dates and absence for two consecutive dates
would be a ground for cancellation of bail by the learned trial
court itself.

(Alok Kumar Pandey, J)

Ranjeet/-

U		T	
---	--	---	--

