

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10126 of 2022

Arising Out of PS. Case No.-14 Year-2021 Thana- INDUSTRIAL AREA District- Vaishali

NIKHIL KUMAR @ NIKHIL SINGH Son of Anil Singh @ Anil Kumar
Singh Resident of Village- Chechar, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Anupam

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-07-2022 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 A.P.P. for the State.

The petitioner seeks bail in connection with
Industrial Area P.S. Case No. 14 of 2021 registered for the
offences punishable under Sections 420, 467, 468 of IPC and
30(a), 36, 41(i) of Bihar Prohibition and Excise Act, 2018.

As per prosecution case, police recovered 4298.4
litres Indian made foreign liquor from truck in question. The
petitioner is alleged to be the member of syndicate involved in
the trade of illegal liquor. Petitioner and others escaped from the
place of occurrence

Learned counsel for the petitioner submits that



petitioner is in custody since 30.11.2021. Petitioner bears criminal antecedent of five cases of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner has no concern with the seized liquor nor is he the owner of said vehicle. Petitioner is not apprehended on spot.

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

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1-cum-Additional Sessions Judge, Vaishali at Hajipur in connection with Industrial Area P.S. Case No. 14 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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