

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10600 of 2022**

Arising Out of PS. Case No.-147 Year-2020 Thana- INDUSTRIAL AREA District- Vaishali

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

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Anupam, Adv.

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 15-06-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 30(a) and 41(i) of the Bihar
Prohibition and Excise Act.

Recovery is of 1791 liters of foreign liquor.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that the name of
the petitioner has transpired in this case on the basis of
confessional statement of the co-accused, Rajesh Kumar
Singh. He further submits that nothing has been recovered
from the conscious possession of the petitioner rather the



alleged recovery has been made from truck in question and the petitioner has no concern with the alleged recovery. He further submits that similarly situated co-accused, namely Vikash Kumar, Sudhir Kumar and Rajesh Kumar Singh have already been granted bail this Court vide Cr. Misc. No. 12736 of 2021 and Cr. Misc. No. 16834 of 2021 and also Cr. Misc. No. 17224 of 2021 vide order dated 03.12.2021, 30.06.2021 and 07.07.2021, respectively.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Industrial Area P.S. Case No. 147 of 2020 with the 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 and on his/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

brajesh/-

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

