

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10319 of 2022

Arising Out of PS. Case No.-61 Year-2021 Thana- MINAPUR District- Muzaffarpur

NITISH KUMAR @ NITESH KUMAR Son of Late Braj Kishore Singh,
Resident of Village - Sahu Colony Pathan Toli Damodarpur, P.S.- Kanti,
Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Hari Mohan Tripathi, Adv.
For the Opposite Party : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Minapur P.S. Case No. 61 of 2021 lodged under Sections 272,
273, 414, 120(B)/34 of the Indian Penal Code and Section 30(a)
of Excise Act.

Learned counsel for the petitioner submits that total
135 liters of excise material (english wine) were recovered, in
this F.I.R., from the possession of Arvind Kumar. He further
submits that nothing was recovered from the possession of the
present petitioner. He further submits that charge sheet has
already been filed and petitioner is in custody since 03.01.2022.
Learned counsel for the petitioner admits that there are two

cases pending against the petitioner, in addition to the present one. In one case, he is on bail and in another case, he is persuading for bail. On the point of criminal antecedent, he submits that petitioner is ready to file an affidavit that in future he shall not involve in such type of activity. Learned counsel for the petitioner further submits that co-accused Arvind Kumar from whose possession the recovery has alleged to be made, has already granted bail by the Co-ordinate Bench of this Court vide order dated 22.01.2022 passed in Cr. Misc. No. 54689 of 2021.

Learned A.P.P. opposes the prayer for bail.

In the present facts and circumstances that the charge sheet has already been submitted in this case, petitioner is in custody since 03.01.2022 and co-accused has been granted bail by the Co-ordinate Bench of this Court, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.1, Muzaffarpur in connection with Minapur P.S. Case No. 61 of 2021, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) At the time of furnishing bail bond, the petitioner shall file an affidavit to the effect that he shall not indulge himself in future in the similar type of offence. If it is found so, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

Accordingly, the bail application stands disposed of.

(Dr. Anshuman, J)

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