

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13040 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

=====

Nitesh Kumar S/O Inarjeet Ray @ Indrajeet Ray R/o village- Dheng,
Maniyari, Ward No.- 06, P.S.- Suppi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, APP

For the Opposite Party/s : Mr. Tapeswar Sharma, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 08-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with C-2 Case

No. 2 of 2022 registered for the offence under Section 30(a) of

Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is in custody since 01.01.2022.

The allegation against the petitioner is to have in

possession of 39 liters of Nepali Saufi wine.

Learned counsel appearing on behalf of the petitioner

submitted that the recovery is made from the dicky of the

motorcycle, as such, it cannot be said that recovery is from the



conscious physical possession of the petitioner. It is submitted that alleged motorcycle is in no manner connected with the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the recovery is from the dickey of the motorcycle.

Considering the facts and circumstances as mentioned above, as recovery is not from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with C-2 Case No. 2 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-VII-cum-Special Excise Court No.2, Sitamarhi, subject to the following conditions:

“(i) Accused/Petitioner shall
cooperate in the trial and shall be physically



present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Inarjeet Ray @ Indrajeet Ray, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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

