

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13426 of 2022**

Arising Out of PS. Case No.-893 Year-2021 Thana- SITAMARHI District- Sitamarhi

NIRAJ KUMAR @ MONU KUMAR S/o Late Rambabu Singh R/o Village-  
Mahaveer Asthan, Ward No.6, Chakmuhila, P.S.- Sitamarhi Town, District-  
Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Krishna Murari

For the Opposite Party/s : Mr.Renu Kumari

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      08-07-2022                      Heard learned counsel for the petitioner as well  
  
as learned Additional Public Prosecutor for the State  
  
through video conferencing.

Petitioner seeks bail in a case registered in  
connection with Sitamarhi P.S.Case No. 893 of 2021 for  
the offences punishable under Sections 30(a) of the Bihar  
Prohibition & Excise Act 2016.

As per the prosecution case, it is alleged that the  
police on secret information intercepted a tempo and on  
search being made altogether 176.940 liters country made  
foreign liquor has been recovered. It is further alleged that  
the driver of the said tempo disclosed the name of this



petitioner as consignor.

It is submitted by the learned counsel for the petitioner that petitioner was neither arrested on the spot nor any incrimination material has been recovered from his possession and save and except discloser of the driver of said tempo there is no other material which suggests the complicity of the petitioner in the alleged crime. It is next submitted that petitioner is in custody since 28.12.2021.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that name of the petitioner has been disclosed by the tempo driver from where recovery has been made.

Having heard the rival contentions of the parties and taking into consideration the fact that nothing has been recovered from person or possession of the petitioner and save and except the discloser made by the driver, there is no other material and he is in custody since 28.12.2021, apart from the fact that investigation has already been completed and charge sheet has been submitted and keeping the petitioner behind the bar for a further period would serve no purpose, let the petitioner, above named, be released on



bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-II, Sitamarhi in connection with Sitamarhi P.S.Case No. 893 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

**(Harish Kumar, J)**

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