

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13906 of 2022**

Arising Out of PS. Case No.-7 Year-2022 Thana- PARBATTI District- Bhagalpur

Nitish Kumar Son Of Suresh Yadav Resident Of Village- Chandour, P.S.-
Sour Bazar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 01-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Parbatta
P.S. Case No. 07 of 2022 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.01.2021.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there was total recovery
of 53.850 litres of illicit country made foreign liquor.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner is the driver, who is a man of clean antecedent. It has further been submitted that nothing surfaced during course of the investigation, which may suggested that the petitioner was under knowledge as regard to the consignment of illicit liquor. It has further been submitted that mandatory provision under Section 100 of Cr.P.C has not been complied with as the seizure list is not supported by the independent witness. While concluding the argument, it has been submitted that investigation of this case has completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the petitioner is driver of the alleged vehicle.

Considering the facts and circumstances as mentioned above, as the facts of the case suggests that petitioner was not under knowledge of consignment of illicit liquor, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Parbatta P.S. Case No. 07 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 Special Judge
Exclusive Excise Court No-2, Bhagalpur, 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 Suresh Yadav, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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