

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13974 of 2022

Arising Out of PS. Case No.-290 Year-2021 Thana- TARAIYA District- Saran

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NITESH SINGH Son of Late Kishnath Singh @ Krishna Nath Singh Resident
of Village - Dumari, Police Station - Taraiya, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh
For the Opposite Party/s : Mr.Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Taraiya P.S. Case No. 290 of 2021 for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

Allegation is of recovery of 200 litres of spirit from an
orchard situated outside the house of the petitioner.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in this case just because three other cases for the
offence allegedly to have been committed under Section 30(a)



of the Bihar Prohibition and Excise Act are pending against the petitioner. Nothing has been recovered from conscious possession of the petitioner nor he is involved in any manner in sale or manufacturing of country made liquor. Petitioner is in custody since 29.12.2021.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Having perused the allegation made in the F.I.R., the recovery of 200 litres of spirit is from a litchi orchard situated outside the house of the petitioner and nothing has been recovered from conscious possession of the petitioner and the period of custody already undergone by the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of **Rs.200,000/- (Rupees two lacs)** with two sureties of the like amount each to the satisfaction of the learned 2nd Exclusive Special Excise Court, Saran in connection with Taraiya P.S. Case No. 290 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

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