

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18774 of 2022

Arising Out of PS. Case No.-838 Year-2021 Thana- GARKHA District- Saran

Nitesh Kumar Son of Late Sudarshan Singh Resident of Village - Garkha,
P.s.- Garkha, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 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 Garkha
P.S. Case No. 838 of 2021 registered for the offence under
Sections 30(a), 36 and 41 of Bihar Prohibition and Excise Act,
2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 11.01.2022.

The allegation against the petitioner is to involve in
illegal business of illicit liquor, where 155.520 liters of foreign
liquor was recovered from a Sumo car.

Learned counsel appearing on behalf of the petitioner
submitted that the name of the petitioner surfaced on the basis



of disclosure of Lav Kush Kumar Rai, leading no recovery, which may connect the petitioner with the present set of recovery of illicit liquor. It is admitted that the recovery is not from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that 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 recovery is not from the physical possession of the petitioner, as per F.I.R.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioner 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 Garkha P.S. Case No. 838 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Exclusive Special Judge, Excise, Saran, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the



State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

(iii) That one of the bailors shall be Bablu Kumar Singh, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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