

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17488 of 2022

Arising Out of PS. Case No.-66 Year-2020 Thana- TARAIIYA District- Saran

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Nitesh Singh, Son of Late Kishnath Singh @ Krishana 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, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Taraiya P.S. Case No. 66 of 2020 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that police received a tip off about petitioner and other co-accused person bringing illicit liquor on bike and tractor. From the bike of co-accused Jaddu Sahni, 17.72 litres of India made foreign liquor was recovered.



At his instance, a tractor was also intercepted and from the tractor, 125.62 litres of foreign liquor was recovered. Further from a hut, 101.60 litres of foreign liquor was recovered at the instance of co-accused. The petitioner and co-accused Kanchan Rai were allegedly bringing the tractor but escaped from the spot on seeing the police party.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He has not been apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has got no concern either with the tractor seized or the motorcycle or the hut or the seized liquor. The co-accused Kanchan Rai was allowed anticipatory bail by a Co-ordinate Bench vide order dated 08.03.2021 passed in Cr. Misc. No. 34257 of 2020. The charge-sheet has been submitted in this case and the petitioner is in custody since 12.01.2022.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent and is accused in similar type of cases.

Having regard to the submissions made hereinabove and considering the fact that petitioner was not apprehended from the spot and nothing has been recovered from his



conscious possession and further considering the submission of charge-sheet along with period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Court, Saran in connection with Taraiya P.S. Case No. 66 of 2020, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) Petitioner will not commit similar type of offences in future.
- (v) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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