

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17640 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- PANAPUR District- Saran

Nitish Kumar Singh @ Nitesh Kumar Singh S/O Raghubansh Singh @
Raghuvansh Kuwar R/o Village- Chintamanpur, P.S.- Panapur, District- Saran
(Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, 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 Panapur
P.S. Case No. 14 of 2022 registered for the offence under
Sections 30, 30(a), 38 and 41 of Bihar Prohibition and Excise
Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.01.2022.

The allegation against the petitioner is to involve in
the illegal business of illicit liquor, where 1200 liters of liquor
was recovered.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner is the resident of nearby locality and this is undisputed fact that recovery is from open place of '*Diyara*' area, as such, it cannot be said from the conscious physical possession of the petitioner, who is a man of clean antecedent. 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 from open place.

Considering the facts and circumstances as mentioned above, as recovery is not from conscious physical possession of the petitioner, who is a man of clean antecedent 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 Panapur P.S. Case No. 14 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 2nd Exclusive Special Excise Court, Saran at Chapra, 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 Raghubansh Singh @ Raghuvansh Kuwar, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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