

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21361 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

Nitin Kumar, Son Of Lal Bahadur Singh, Resident Of Village- Pakari, P.S-
Bidupur, Dist- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 21-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with Excise P.S. Case No. 56 of 2022 registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise Act.

As per prosecution case, the petitioner was apprehended with his vehicle and recovery of 393.600 litres of India made foreign liquor was made from the vehicle. The petitioner is stated to be the driver of the said vehicle.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case as he has no concern with the seized liquor or the vehicle in



question. The petitioner is a graduate and has been undergoing M.B.A. course in B.B.A.B.U., Muzaffarpur. The petitioner has solemnized marriage with the daughter of one Mudrika Ray who is involved in illicit business of liquor and the said person filed a case against this petitioner for kidnapping of his daughter in which the petitioner has been granted anticipatory bail. In order to harass and humiliate the petitioner, his father-in-law has got him falsely implicated in this case as well as in some other cases of similar nature. No recovery has been made from the conscious possession of this petitioner and he is not responsible for the alleged recovery of liquor. Nothing of substance has come up on record to show the involvement of the petitioner who is in custody since 28.02.2022. The prosecution report has been submitted.

Learned APP opposes the submission made on behalf of the petitioner for grant of bail submitting that the petitioner is an accused in four cases of similar nature.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the period of custody of the petitioner along with the submission of prosecution report, he 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 Additional District and Sessions Judge-IV-cum-Special Excise Court, Gopalganj in connection with Excise P.S. Case No. 56 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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.

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(Arun Kumar Jha, J)

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