

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22167 of 2022

Arising Out of PS. Case No.-16 Year-2020 Thana- MATIHANI District- Begusarai

NILESH KUMAR S/o Surendra Singh R/o village- Nayagaon (Labagown),
P.S.- Nayagaon, District- Begusarai, at present Shanichara Asthan, P.S.-
Nagar, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandan Kumar Kashyap
For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 27-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Matihani P.S. Case No. 16 of 2020 registered for the offences
punishable under Section 120(B) of the I.P.C. and Sections 30(a)
and 32 of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 4839.84 litre foreign liquor from the truck and Scorpio in
question.

Learned counsel for the petitioner submits that
petitioner is in custody since 11.03.2022 and bears criminal



antecedent of four cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that as per FIR, the alleged occurrence took place on 19.02.2020 and the petitioner is in custody since 11.03.2022, in this way petitioner is not apprehended on spot as submitted. It has further been submitted that co-accused Abhishek Kumar on similar accusation has already been granted bail by this Hon'ble Court vide Criminal Misc. No. 17041 of 2022 and the case of present petitioner stands on similar footing. The petitioner is not named in the FIR and the name of present petitioner surfaced on confession of co-accused Bittu Kumar as mentioned in Para 65 of case diary in the impugned order.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Exclusive Excise Judge-I, Begusarai in connection with Matihani P.S. Case No. 16 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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