

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23137 of 2022

Arising Out of PS. Case No.-141 Year-2021 Thana- PAROO District- Muzaffarpur

NITIN KUMAR @ PINTU Son of Mr. Sanjeev Kumar Thakur Resident of
Village - Paroo Babu Tola, P.s.- Paroo, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : Mr. Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-07-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with Paroo
P.S. Case No. 141 of 2021 registered for the offences punishable
under Sections 30(a) 36 and 41(i) of the Bihar Prohibition and
Excise Amendment Act 2018.

As per prosecution case, there is alleged recovery
of 3211.56 litre foreign liquor from truck in question, bolero in
question and motorcycle in question and petitioner and others
fled away from the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 21.02.2022 and bears criminal



history of two cases out of which one case is of similar nature and he has been granted bail in one case. Charge sheet has been submitted in this case and nothing incriminating has been recovered for the conscious possession of the petitioners. It has been further submitted that petitioner was not apprehended on spot and petitioner is neither driver nor owner of the alleged vehicles in question. Learned counsel for the petitioner has submitted that co-accused Harvinder Thakur and Lakindra Rai have been granted bail by the co-ordinate benches of this court vide Cr. Misc. No. 59954 of 2021 and Cr. Misc. No. 53446 of 2021 respectively. The case of the present petitioner stands on similar footing.

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

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 that petitioner was not apprehended on spot and the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Special Judge, Excise,
Court No. 2, Muzaffarpur in connection with Paroo P.S. Case
No. 141 of 2021, 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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