

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24228 of 2022

Arising Out of PS. Case No.-11 Year-2021 Thana- BIRPUR District- Supaul

NITESH KUMAR SINGH @ NITESH SINGH S/o Gopal Prasad Singh R/o
village- Babhni, Ward No. 12, P.S.- Gamaharia, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh
For the Opposite Party/s : Mr.Rana Randhir 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.

The petitioner seeks bail in connection with Excise
Case No. 49 of 2021 arising out of Birpur (Bhimnagar O.P.) P.S.
Case No. 11 of 2021 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 270 litres of Nepali country made liquor from car in
question. The petitioner is alleged to be the owner of the vehicle
of question.

Learned counsel for the petitioner submits that
petitioner is in custody since 19.03.2022. Petitioner bears no



criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from car of the petitioner. Petitioner is not apprehended on place of occurrence nor is he F.I.R. named accused. Name of the petitioner has come during course of investigation as impugned order indicates that one Lalan Sharma has sold the said vehicle to the petitioner and petitioner's name has found registered on the certificate as mentioned in para 76 of case diary. Learned counsel further submits that as per impugned order the F.I.R. named accused has been granted bail by the Court below itself vide Sessions Excise Case No. 49 of 2021 and the case of present petitioner stands of better footing.

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

Considering the facts and circumstances of the case as well as period of custody, petitioner is not named in the F.I.R., charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner 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 Special Judge Excise 2nd Supaul in connection with Excise Case No. 49 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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