

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25445 of 2022

Arising Out of PS. Case No.-175 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Nirmal Saxena @ Mintu, Son of Yogendra Kumar Singh, Resident of Village-
Naghar, P.S.- Bikram, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar Sinha, Advocate
		Mr. Rahul Rathour, Advocate
For the Opposite Party/s	:	Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Dharendra Kumar Sinha, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Mohania P.S. Case No. 175 of 2022 registered for the offences punishable under Sections 30(a), 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that the police on a secret information, apprehended a truck and on search being made 2952 bottles of Indian Made foreign liquor was seized. It



is further alleged that three persons were also apprehended, who were allegedly sitting on the truck.

It is submitted by the learned counsel appearing on behalf of the petitioner that the name of the petitioner has been disclosed by co-accused Md. Numan and on whose disclosure, the petitioner was arrested on the next day from his hotel. It is further submitted that there is no signature of the petitioner on the seizure list, which also depicts that the petitioner was not even present at the place of occurrence. It is also submitted that the petitioner is in custody since 05.04.2022 having man of fair antecedent, though the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that huge consignment of illicit liquor has been recovered from the truck and apprehended persons disclosed the name of the petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from the person or possession of this petitioner and he is in custody since 05.04.2022 having fair antecedent, let the petitioner, named above, be released on bail



on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 175 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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