

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26282 of 2022**

Arising Out of PS. Case No.-23 Year-2020 Thana- DALSINGHSARAI District- Samastipur

Nitish Kumar @ Munna Son Of Satyanarayan Patel @ Satyanarayan Roy R/O  
Village- Baikunthpur Brahanda, P.S.- Ujiyarpur, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Jitendra Sinha, Advocate

For the Opposite Party/s : Mr.Sucheta Yadav, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      06-08-2022                      Heard learned counsel for the petitioner and  
learned APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the  
office, be removed within four weeks.

The petitioner is in custody in connection with  
Dalsinghsarai P.S. Case No. 23 of 2020 under sections 30(a),  
41(1) of Bihar Prohibition and Excise Act.

The prosecution story, in brief, is that the informant  
and his associates got information that a large consignment of  
liquor are being unloaded by accuseds. The police party reached  
there and saw some persons collecting cartoons of liquor and on  
seeing the police, they fled away. The police searched the place  
and recovered/seized total 2045.970 liters of foreign liquor.

Mr. Jitendra Sinha, learned counsel for the petitioner



submits that a bare perusal of the seizure list would show that recovery/seizure has been made by the police on the side of the road near a middle school and not from the conscious possession of the petitioner. He further submits that while the accused persons named in the FIR are out of the Dalsinghsarai police station, this petitioner has a resident under Ujiyarpur police station which clearly shows that he has absolutely no relationship with the said accused persons. He further reiterates that nothing has been recovered/seized from his conscious possession still he is in custody since 4.2.2022 (as stated in para-1 of the bail application)

Considering the aforesaid submission of the learned counsel for the petitioner coupled with the fact that charge-sheet stands submitted and he is in custody since 4.2.2022, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Excise Court-1, Samastipur or his successor Court, in connection with Dalsinghsarai P.S. Case No. 23 of 2020 (Excise G.R. No. 205 of 2020) subject to the following conditions:

(i) one of the bailors should be the family members of



the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Ravi/-

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