

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26200 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- BARUN District- Aurangabad

Nikhil Kumar S/O Yogendra Yadav R/O Village- Shaibigha (Saheb Bigha),
P.S.- Mufassil, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with Barun P.S. Case No. 104 of 2022 (General Regd. no. 303 of 2022) for the offences punishable under Sections 30(a) of the Bihar Excise (Prohibition) Amendment Act, 2018.

As per the prosecution case, it is alleged that the police in course of patrolling intercepted a Bolero vehicle. On search being made total 109.2 liters country made liquor



was recovered. It is further alleged that some persons were sitting in the vehicle succeeded to flee away but petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that the petitioner is neither owner of the vehicle nor driver . In fact from the FIR , it is evident that he was apprehended while fleeing away with other persons. It is further submitted that the alleged recovery has been made from the Bolero vehicle and not from the actual conscious possession of the petitioner. Moreover, the witnesses were only police personnel. It is next submitted that petitioner is in custody since 19.03.2022, having fair antecedent and though the investigation of the crime is concluded and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was neither owner of the vehicle nor liquor has been recovered from his conscious possession. Recovery has been made from the Bolero vehicle. Petitioner is in custody since



19.03. 2022 and investigation of the crime is concluded and the charge sheet has been submitted. There is no likelihood of commencement of trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise 1st Aurangabad, Bihar in connection with Barun P.S.Case No. 104 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.

N.K/-

(Harish Kumar, J)

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