

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29327 of 2022

Arising Out of PS. Case No.-120 Year-2021 Thana- BISHWAMBHARPUR District-
Gopalganj

=====

Niranjan Kumar, Son of Birendra Mishra @ Virendra Mishr, R/o Village -
Tejpurawa, P.S. - Malahi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 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. Bijay Prakash Singh, 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 Tr. No. 5870 of 2021, arising out of
Vishambharpur P.S. Case No. 120 of 2021, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that the
police on a secret information, intercepted tempo and on



noticing the police party three persons fled away. However, the petitioner was apprehended on spot. It is further alleged that on search 81.450 litres of Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has neither any concern with the seized tempo nor with the recovered illicit wine and in fact he being a passenger was moving on a tempo and, in the meantime, the police intercepted the tempo and noticing the police party, the accused persons, who were carrying the illicit wine, have fled away, but the petitioner, having no concern with the illicit wine, has been arrested by the police. It is further submitted that there is other infirmities in the seizure list and violative of Section 100 of the Cr.P.C. It is lastly submitted that this petitioner is in custody since 04.10.2021 having fair antecedent.

On the other hand, learned counsel for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner having fair antecedent is in custody since 04.10.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like



amount each to the satisfaction of Additional District and Sessions Judge- IV- Cum- Exclusive Special Excise Court No. 2, Gopalganj (Bihar) in connection with Tr. No. 5870 of 2021 (Visambharpur P.S. Case No. 120 of 2021), subject to the condition that one of the bailors will be the close relative 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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