

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30635 of 2022**

Arising Out of PS. Case No.-53 Year-2022 Thana- NOORSARAI District- Nalanda

NEERAJ KUMAR SON OF KISHOR CHOUHAN RESIDENT OF  
VILLAGE AND POST- BELDARI, CHARUIPAR, P.S.- NOORSARAI  
NALANDA, DISTRICT- NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Lala Sheshendra Narayan Rais  
For the Opposite Party/s : Mr.Mohammed Arif

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      05-08-2022                      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 in virtual court proceeding.

The petitioner seeks bail in connection with  
Noorsarai P.S. Case No. 53 of 2022 registered for the offences  
punishable under Sections 272, 273, 34 of the I.P.C. and  
Sections 30(a)(d) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery  
of 85 litres illicit liquor near Paeen. The petitioner and other co-  
accused were apprehended on the spot.

Learned counsel for the petitioner submits that  
petitioner is in custody since 15.02.2022 and bears no criminal



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that there is no specific allegation that the petitioner was carrying/selling/making liquor. It is further submitted that petitioner is the sole bread earner of his family.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence 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 Additional Sessions Judge-IV-cum-Exclusive Special Court(Excise) No. 2, Nalanda, Bihar Sharif in connection with Noorsarai P.S. Case No. 53 of 2022, 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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