

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29431 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- JHANJHARPUR District- Madhubani

Nitesh Kumar Son of Sheshnath Prasad Resident of Village - Kanhauli Ward
No.- 2, P.S.- Jhanjharpur, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advovate.

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Ms. Vaishnavi Singh, learned counsel for the petitioner as well as Mr. Anand Mohan Prasad Mehta, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Jhanjharpur P. S. Case No. 62 of 2022 registered for the offences punishable under Sections 272, 273 read with 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the Police, on a secret information, intercepted a Scorpio vehicle



and on interrogation being made from the driver of the said vehicle, he disclosed the whereabouts of some accused persons on the basis whereof raid was conducted. It is further alleged that from the house of the petitioner 1134 litres Nepali wine was recovered. It is next submitted that during the course of search, the petitioner and his elder brother were also apprehended.

Learned counsel appearing on behalf of the petitioner submitted that the house from where the recovery was allegedly made is a joint family house and moreover, the petitioner has been living separately from his brother and also parted from their mess and business; and the family home is also divided and both have controlled over their own parts. It is next submitted that the garage from where the alleged recovery has been made is under the control of his elder brother and he is also in custody in connection with the present case. It is also submitted that the petitioner has no concern with other co-accused person from whose possession recovery has been made. It is next submitted that this petitioner is a man of fair antecedent and is in custody since 04.04.2022 and moreover, the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State



opposes the bail application and submits that the huge recovery of Nepali wine was recovered from the house of the petitioner and he was apprehended at the spot.

Having considered the submissions made on behalf of the parties and taking into account the fact that alleged recovery has been made from a joint family house and for which the petitioner alone cannot be held responsible, apart from that the investigation of the crime is already completed and the charge-sheet has been submitted and as such, keeping the petitioner behind the bar would serve no further purpose, furthermore, 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. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Jhanjharpur (Madhubani) in connection with Jhanjharpur P. S. Case No. 62 of 2022, 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)

shakir/-

U		T	
---	--	---	--

