

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29476 of 2022

Arising Out of PS. Case No.-130 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Nishant Kumar, Son of Rakesh Kumar, Resident of Village- Wali Pakar, P.S.-
Paliganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Binod Kumar, 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. Deepak Kumar Sinha, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Excise Case No. 130 of 2022 registered for the
offences punishable under Sections 30 (a), 56(b) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, it is alleged that in course of
vehicle checking, the police intercepted Tata Safari vehicle and
on search 93.375 litres of Indian made foreign liquor of different
brand were seized. It is further alleged that the petitioner was
also apprehended while he was sitting beside the driver of the



Tata Safari.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner is neither the owner of the Tata Safari vehicle nor the driver of the same. However, on the alleged date of occurrence, unfortunately he took lift on the vehicle, in question, and in the way the vehicle was intercepted by the police and he was also arrested along with other accused persons. It is further submitted that apart from the other infirmities in the seizure list, there is no compliance of Section 100 of the Cr.P.C, inasmuch as, there is no independent witness to the alleged occurrence. It is lastly submitted that this petitioner is in custody since 05.03.2022 having fair antecedent and moreover after completion of the investigation, charge-sheet has been submitted.

On the other hand learned APP for the State opposes the bail application and submits that the petitioner was arrested at the spot with illicit liquor.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner has neither any concern with the vehicle nor with the alleged illicit liquor and moreover this petitioner is in custody since 05.03.2022 having clean antecedent, apart from the fact



that the investigation of the crime is already completed and the charge-sheet has been submitted, 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 learned Exclusive Judge, Court No.3, Gaya in connection with Excise Case No. 130 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.

(Harish Kumar, J)

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