

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40888 of 2021**

Arising Out of PS. Case No.-65 Year-2021 Thana- NARDIGANJ District- Nawada

1. JANARDAN PRASAD S/o Bhagwan Mahto Resident of Village- Bariyo, P.S.- Nardiganj, District- Nawada.
2. Nitish Kumar S/o Late Naresh Prasad Resident of Village- Barhi Bigha, P.S.- Hisua, District- Nawada, at present Residing with his Maternal Uncle Janardan Prasad, at Village- Bariyo, P.S.- Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Ranjan Kumar, Advocate
For the Opposite Party/s : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioners who are in custody since 12.04.2021 seek regular bail in connection with Nardiganj P.S. Case No. 65 of 2021 registered for offence punishable under Sections 30(a), 30(d), 41, 45, 52 of the Bihar Prohibition and Excise Act, 2016.

Prosecution case in brief is that during the raid, from the boring of the petitioner no. 1, 5 litres of country-made liquor, 1200 litres of *mahua* mixture solution and 18 Kg



nausadar were recovered. It has been alleged that the petitioners are engaged in manufacturing of the *mahua* liquor.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and nothing has been recovered from the conscious possession of the petitioners. He further submits that petitioners have no criminal antecedent and they are in custody since 12.04.2021.

Learned A.P.P. has opposed the prayer for bail.

Considering the facts and circumstances of the case as well as there is no allegation of tampering the evidence or influencing the witness against the petitioners, the petitioners above named are directed to be enlarged to bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Nawada in connection with Nardiganj P.S. Case No. 65 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.



(iii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(iv) If the petitioners are found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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