

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44857 of 2021

Arising Out of PS. Case No.-5 Year-2020 Thana- NIMACHANDPURA District- Begusarai

Nawal Kumar Son of Dipak Sahani @ Deepak Sahni Resident of Village -
Chandpura, Ward no. 01, P.S. Nimachandpura, District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-01-2022 Heard the parties through the video conferencing.

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

Petitioner who is in custody since 12.4.2021 seeks
regular bail in connection with Nimachandpura P.S. Case No. 05
of 2020 registered for the offence punishable under section
30(a) of Bihar Prohibition and Excise Act, 2018.

Prosecution case in brief is that altogether 117.09
liters of foreign liquor was recovered from the white colour Tata
ACE Magic Van bearing registration no. BR09N-6768 and at
the same time one Hero Passion Pro motorcycle was also
recovered and seized.

Learned counsel appearing on behalf of the petitioner
submits that the apprehended person has named the petitioner



that he is owner of the Tata ACE Magic, however, the petitioner has made specific statement in para-7 that the Tata ACE Magic Van bearing registration no. BR09R6375 is registered in the name of Vijay Kumar Das and the DTO, Begusarai has already verified with regard to owner of both the vehicles. He further submits that the petitioner has clean antecedent and he is in custody since 12.4.2021. It has further been submitted that one co-accused has been released on bail vide order dated 0.1.2021 passed in Cr. Misc. No. 44130 of 2021.

Learned counsel for the State has opposed the prayer for bail to the petitioner.

Considering the above mentioned facts and circumstances of the case, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 100,000/- (One lakh) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II cum Special Judge, Excise Act, Begusarai, in connection with Nimachandpura P.S. Case No. 05 of 2020 subject to the following conditions:-

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



(2) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers 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 petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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