

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40445 of 2022

Arising Out of PS. Case No.-300 Year-2021 Thana- MOTIPUR District- Muzaffarpur

Nitesh Kumar @ Nitesh Singh Son of Ashok Singh Resident of Village -
Kodar Katta, Ward No.5, P.s.- Motipur, Distt.- Muzaffarpur , Permanent
Address - R/o Villa - Muhabbatpur, P.s.- Dewriya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.Ii, Adv.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 27-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Motipur P.S. Case No. 300 of 2021 lodged under Sections
272/273 I.P.C and 30(a) 41 (1) (2) of the Bihar Prohibition and
Excise Act, 2018.

As per the prosecution case, the recovery of 60 litres
kacha spirit were alleged to be made from the place of
occurrence on the discloser of accused Saurabh Kr.

Learned counsel for the petitioner submits that his
name has been figured by virtue of confessional statement of
Saurabh Kr. and upon his statement, the said spirit has been



recovered. He submits that the petitioner was not apprehended from the place of occurrence. He further submits that petitioner is in custody since 15.04.2022 and chargesheet has already been filed in this case and having clean antecedent.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Spl. Judge (Excise), in connection with Motipur P.S. Case No. 300 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.



C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

Ranjeet/-

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