

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51066 of 2021

Arising Out of PS. Case No.-346 Year-2019 Thana- BARH District- Patna

NITISH KUMAR Son of Giral Rai Resident of Village - Sikandra, P.S.- Barh,
Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-01-2022 Heard learned counsel appearing on behalf of the
petitioner 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.

Petitioner, who is in custody since 09.05.2021, seeks
regular bail in connection with Barh P.S. Case No. 346 of 2019
registered for offences punishable under Section 30(a)/38/41 of
the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in brief, is that altogether 500.4
litres of different brands of foreign liquor was recovered from
the *bathan* of the petitioner.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in this case. Nothing has been recovered from the



conscious possession of the petitioner. The petitioner has no concern with the alleged seized liquor. He further submits that petitioner has clean antecedent and he is in custody since 09.05.2021 for no fault and other co-accused persons have been enlarged on bail by this Court vide order dated 23.09.2019 passed in Cr. Misc. No. 59205 of 2019.

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 tempering the evidence or influencing the witnesses and the fact that the trial is not going to be concluded in near future, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Barh P.S. Case No. 346 of 2019 subject to the following conditions:

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

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

(iii) 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.

(iv) 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 bond.

(Purnendu Singh, J)

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