

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42489 of 2022

Arising Out of PS. Case No.-59 Year-2022 Thana- RUDRAPUR District- Madhubani

Nithish Kumar Son of Vanshi Gupta @ Vanshi Prasad Gupta Resident of
Village - Kanhauli, Jhanjharpur, P.s.- Jhanjharpur, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through video
conferencing.

Petitioner seeks bail in a case registered in connection
with Rudrapur P.S. Case No. 59 of 2022 for the offences
punishable under Sections 272, 273,379 of the Indian Penal
Code and section 30(a), of the Bihar Excise (Prohibition)
Amendment Act.

The police on a secret information raided the shop of
the accused Sunil Thakur and on search 640 liters Nepali
country made liquor was recovered. It is further alleged that one
Santro Car and two motorcycles loaded with liquor was also



recovered and the petitioner and other accused were apprehended at the spot.

Learned counsel for the petitioner submits that from the FIR, it would be evident that the alleged recovery has been made from the shop of co-accused Sunil Thakur and he has already been granted privilege of bail in Cr. Misc. No. 40347 of 2022 vide order dated 23.09.2022. He next submits that the petitioner has neither any concern with the shop nor with the illicit liquor and the vehicles. However, he being only present on the shop for purchasing some house hold goods, the petitioner was also apprehended along with other co-accused by the police on suspicion. He last submits that the investigation of the crime is already complete and the charge sheet has been submitted, though the petitioner is in custody since 22.06.2022

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submission made on behalf of the parties and considering the fact that the entire recovery has been made from shop of Sunil Thakur and he has been allowed privilege of bail and petitioner having fair antecedent is in custody since 22.06.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/-



(Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Jhanjharpur, Madhubani in connection with Rudrapur P.S.Case No. 59 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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