

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53290 of 2021**

Arising Out of PS. Case No.-171 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

NITIN KUMAR VERMA @ NITIN VERMA S/O SHATRUGHAN
PRASAD R/o Mohalla- Dimna Mango, Ripeet Colony, Sidhu Kanu School
Road, Jamshedpur, P.S.- Mango, District- East Singhbhum, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Adv.

For the Opposite Party/s : Mr. Rina Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 07-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with Siwan Muffasil P.S. Case No. 171 of 2021 registered for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 4950 liters of foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In fact, the petitioner has not been



named in the F.I.R and merely on the basis of confessional statement of the co-accused, namely, Krishna Kumar, who is said to be owner of the DCM Truck from which the alleged recovery has been made, this petitioner has been apprehended in this case. Save and except the confessional statement of the co-accused, no cogent material has come during course of investigation against the petitioner. Nothing has been recovered from the conscious possession of the petitioner. He has no concern with the alleged recovery or the alleged vehicle. The petitioner is rotting in judicial custody since 27.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -II -cum – Special Judge, Excise, Siwan in connection with Muffasil P.S. Case No. 171 of 2021 with the following conditions:-

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



Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

braj/-

U		T	
---	--	---	--

