

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59865 of 2021

Arising Out of PS. Case No.-188 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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Nitish Kumar @ Nitish Prasad Son of Late Swaminath Prasad Resident of
Village - Korar (Kodar), P.S.- M.H. Nagar, Hasanpura, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Pronoti Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in Virtual Court

proceeding.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Excise Case

No. C-III-188 of 2021 registered for the offences punishable

under Sections 30(a) of the Bihar Prohibition and Amendment

Excise Act, 2018.

According to prosecution case, total 1537.920 liters

foreign liquor has been recovered from the poultry farm of the

co-accused Hari Shankar Singh.



Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that nothing has been recovered from conscious possession of the petitioner, rather the recovery has been made from the poultry farm of the co-accused Hari Shankar Singh and the Hari Shankar Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 03.01.2022 passed in Cr. Misc. No. 50773 of 2021. The petitioner is in custody since 06.06.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned 2nd Additional Sessions Judge-cum-Special Judge (Excise), Siwan in connection with Excise Case No. C-III-188 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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)

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