

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50732 of 2022

Arising Out of PS. Case No.-273 Year-2022 Thana- NAUTAN District- West Champaran

Shivnath Kumar, Son of Suresh Yadav, R/V- Bariyarpur, PS- Nautan, Dist-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Nautan P.S. Case No. 273 of 2022 registered
for the alleged offences under Section 414 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

As per prosecution case, police received secret
information about liquor traders bringing illicit liquor. Two
motorcycles were found coming towards the police party and
two persons were sitting on the first motorcycle carrying a white
coloured bag and one person was found driving the another



motorcycle. They were apprehended and from the first motorcycle, recovery of 15.120 litres of India made foreign liquor was made from the bag kept by the co-accused persons. From the motorcycle driven by this petitioner, recovery of 3.60 litres of India made foreign liquor was made from its dickey.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession and the recovery has been falsely shown against the petitioner. He has committed no offence and the motorcycles in question does not belong to this petitioner. The petitioner is in custody since 18.05.2022 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the clean antecedent of the petitioner and also considering his period of custody along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Bettiah,



West Champaran in connection with Nautan P.S. Case No. 273 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

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

