

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53571 of 2022

Arising Out of PS. Case No.-309 Year-2022 Thana- SAHPUR District- Patna

Nitesh Kumar, Son of Sheo Pujan Rai R/V- Sarai, P.S- Maner, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 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 Shahpur P.S. Case No. 309 of 2022, corresponding to Special Excise Case No. 939 of 2022 registered for the alleged offences under Sections 30 (a)/41/56 of the Bihar Prohibition Act and Excise Act.

As per prosecution case, recovery of total 140 litres of illicit liquor country made liquor was made from a tempo which was being driven by the petitioner. The petitioner and the co-accused were apprehended from the spot.

The learned counsel for the petitioner submits that the



petitioner has been falsely implicated in this case merely on suspicion. Nothing has been recovered from the conscious possession of this petitioner. Learned counsel further submits that the seized tempo does not belong to this petitioner rather he is the driver of the said tempo. The petitioner was not aware about the illicit liquor and on request by the co-accused, the petitioner had agreed to go to Danapur with his luggage. The petitioner is in custody since 27.06.2022 and charge-sheet has been submitted. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner along with the submission of charge-sheet and his period of custody, 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 Special Excise Judge, Danapur, Patna in connection with Shahpur P.S. Case No. 309 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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)

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