

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54034 of 2022

Arising Out of PS. Case No.-86 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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Nitish Kumar S/O Chandeshwar Paswan Resident of village- Narayan
Dadhiya (Naraenpur Darhia), P.S.- Mufassil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

In the present case, the petitioner seeks bail in
connection with Excise Case No. 86 of 2022 registered for the
alleged offences under Section 30 (a) of the Bihar Prohibition
and Excise Act.

As per prosecution case, recovery of 262.800 litres of
India made foreign made liquor was made from a four wheeler
and the petitioner and the co-accused persons were apprehended
from the spot.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Admittedly the petitioner was merely a co-passenger in the vehicle in question. He had taken a lift in the vehicle and owner of the vehicle escaped from the scene and the petitioner and the co-accused driver became victims of circumstances. The petitioner is having no knowledge about the liquor kept in the vehicle. Nothing incriminating has been recovered from the conscious possession of this petitioner. The petitioner is in custody since 16.07.2022 and the prosecution report has been submitted. The petitioner has got no criminal history.

Learned A.P.P. opposes the prayer for bail made on behalf of the petitioner.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner and further considering the period of custody of the petitioner along with the submission of prosecution report, he 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 court of Additional District and Sessions Judge-VI-cum-Special Excise Court-II, Gopalganj in connection with Excise Case No. 86 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)

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