

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64846 of 2021

Arising Out of PS. Case No.-270 Year-2021 Thana- DUMRAO District- Buxar

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Doka @ Nitish Kumar @ Nitesh Kumar aged about 25 years, male, Son of Saral Rai Resident of Village - Chilahari, P.S.- Dumraon (Naya Bhojpur O.P.), Distt.- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ajit Kumar, Adv.
For the State : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 31-05-2022 Heard learned counsel for the petitioner and learned counsel for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in *Dumraon (N.B.O.P.) PS Case No. 270 of 2021*, instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The police have received a confidential information regarding preparation and selling of illicit liquor by one *Rakesh Yadav* and *Pankaj Yadav* (co-accused). For verifying the



allegations, they have rushed to the place, from where, five persons, including the petitioner have started fleeing away. The petitioner has been apprehended. From the place 2.880 liters English liquor has been recovered along with some empty glasses and bottles, which are alleged to be there for the purpose of trading in the illicit liquor. The petitioner is stated to be in custody since 23-07-2021 and has no criminal antecedents.

It is submitted by the petitioner's counsel that being in the locality, he has become a victim of the circumstance. He has no connection with the alleged recovery.

The learned APP representing the State has opposed the prayer for bail.

Having regard to the manner in which recovery has been made and the petitioner arrested along with period of custody viewed with criminal antecedents in the background, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned *A.D.J.-II-cum- Special Judge, Excise Act, Buxar*, in connection with *Dumraon (N.B.O.P.) PS Case*



No. 270 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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