

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72017 of 2021

Arising Out of PS. Case No.-120 Year-2021 Thana- GAMAHARIYA District- Madhepura

NANDAN KUMAR Son of Chandeshwari Yadav Resident of Village - Amha
(Ward No.9), P.S.- Supaul (Lokha O.P.), Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha

For the Opposite Party/s : Mrs.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-03-2022 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. 531/ 2021 arising out of Gamhariya P.S. Case No. 120/
2021 registered for the offences punishable under Sections 420,
120B of the IPC and 30(a), 41(i) of Bihar Prohibition and
Excise Act, 2016.

There is recovery of 3897 litres of illicit foreign liquor
from the truck.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of disclosure made by the co-accused Mukesh Kumar and Pawan Kumar. He further submits that petitioner was not apprehended at the spot. He further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the truck in question. He further submits that police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 31.07.2021.

The learned Additional Public Prosecutor opposed the prayer of 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 Additional Sessions Judge-II cum Special Judge (Excise), Madhepura in connection with Excise Case No. 531/ 2021 arising out of Gamhariya P.S. Case No. 120/ 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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