

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.628 of 2022

Arising Out of PS. Case No.-50 Year-2021 Thana- BITHAN BAZAR District- Samastipur

Nitish Kumar, S/O Shri Shankar Sahu, Resident of Jogia Sahshi, P.S.- Allouli,
District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nitesh Kumar, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-06-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bithan P.S. Case No.50 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 17.09.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, on 27.03.2021 at about 5.05 am while the informant was on patrolling duty he received a secret information that the petitioner has come to village Morkahi with



the consignment of liquor. On this information, reached at the village Morkahi and saw a person on the motorcycle and on being asked to stop the motorcycle he tried to flee away. It is alleged that in course of fleeing away he left the motorcycle near the house of one Pramod Yadav and fled away. Total 54 liters of illicit liquor was recovered from two sacks. One mobile and one Adhar card was recovered on which photo and name of the petitioner were printed and on the basis of Adhar card he has been made accused.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that nothing incriminating has been recovered from the conscious possession of the petitioner and he has no concern with the alleged seized articles. It is submitted that the petitioner is in custody in connection with this case since 17.09.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the recovery of 54 liters of illicit liquor has been made from an open place, the petitioner is in custody in connection with this case since 17.09.2021, he has no criminal antecedent, investigation against



him is complete and his presence may be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge (Excise), Samastipur in connection with Bithan P.S. Case No.50 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

