

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68832 of 2022

Arising Out of PS. Case No.-272 Year-2022 Thana- AMBA District- Aurangabad

Nikesh Kumar S/O Mahavir Yadav resident of village- hathbor, p.s.- Amba,
District- Aurangabad. (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Leelawati Kumari, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Amba
P.S. Case No. 272 of 2022 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.11.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 9.75 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that as one scuffle took place with police personnels,
the petitioner was falsely implicated in present case. It is further



submitted that seizure list appears doubtful, being not supported by independent witnesses, rather by Bihar Homeguard Personnels. It is also submitted that as petitioner found involved in 2 more criminal cases out of suspicion arises from said criminal antecedents, petitioner named in present case also. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as seizure list appears doubtful being not supported by independent witnesses coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Amba P.S. Case No. 272 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-I, Aurangabad (Bihar)/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further condition:

(i)	That
accused/petitioner	shall



cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(Chandra Shekhar Jha, J)

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