

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3486 of 2023

Arising Out of PS. Case No.-128 Year-2022 Thana- BALIGAON District- Vaishali

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NAND KISHORE KUMAR @ NANDU S/o Ajay Kumar Resident of
Village- Digha Fatehpur, P.S.- Baligaon, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 27-04-2023 1. Heard learned counsel for the petitioner and
the learned APP for the State.

2. Petitioner seeks regular bail in connection
with Baligaon P.S. Case No.128 of 2022 dated 21.11.2022
registered for the offences punishable under Sections 420, 467,
468, 471 and 34 of the Indian Penal Code and Sections 30(a),
32, 36 and 41(i) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. The main submissions advanced by the
learned counsel for the petitioner are that though the petitioner
was apprehended at the spot with co-accused Manish Kumar as
per the prosecution but at the time of recovery of the alleged
wine he was simply working as a labourer and was engaged in
unloading of the alleged wine from the alleged vehicle and co-



accused Manish Kumar who was also arrested with this petitioner has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.74629 of 2022 and another co-accused namely Munna Kumar has been granted anticipatory bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.73007 of 2022 and petitioner's case is completely identical to the co-accused Manish Kumar. Further submissions are that the petitioner has been languishing in jail since 22.11.2022, he is neither owner nor driver of the vehicle seized at the spot and against him the investigation has been completed, though against him there are criminal antecedents of three cases but out of them two were lodged under the offences of IPC and one was lodged under the offence of Excise Act and petitioner has got bail in all the said cases.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the privilege of bail having been granted to similarly situated two co-accused persons mentioned-above and also the fact that against the petitioner the investigation has been completed and he has taken the plea that he was simply present at the place of occurrence in the capacity of a labourer to unload



the alleged wine from the alleged vehicle, in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner 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 concerned Court in connection with Baligaon P.S. Case No.128 of 2022.

(Shailendra Singh, J)

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