

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47939 of 2023**

Arising Out of PS. Case No.-47 Year-2023 Thana- DHIBRA District- Aurangabad

Nitesh Kumar Son Of Sri Surendra Yadav Resident Of Village- Kishuni  
Bigha, Ps- Dhibra, Distt- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      04-08-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, if any, within  
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since  
09.06.2023 in connection with Dhibra P.S. Case No. 47 of 2023,  
F.I.R. dated 08.06.2023 for the offences punishable under  
Section 30(a) of the Bihar Prohibition and Excise Amendment  
Act, 2018.

4. Recovery is of 69.120 liters of country made liquor.

5. Learned counsel for the petitioner submits that  
petitioner is innocent and he has falsely been implicated in the  
present case. He further submits that it appears from the F.I.R.



as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the motorcycle in question. He further submits that the petitioner has no concern at all with the alleged recovery of the illicit liquor. He further submits that there is non-compliance of Section 100 of Cr.P.C. The petitioner is in custody since 09.06.2023.

6 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one.

7. Considering the aforesaid facts and circumstances and the petitioner has clean antecedent, 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 Special Judge, Excise, Second, Aurangabad in connection with Dhibra P.S. Case No. 47 of 2023, 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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