

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56089 of 2023

Arising Out of PS. Case No.-184 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

=====

Nikesh Singh @ Niku Singh Son Of Sushil Singh Resident Of Ward No. 02,
Rajdham, P.S. Maheshkhunt, Distt. Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms. Jolly Singh, Adv.
Mr. Ranjeet Kumar Singh, Adv.
For the Opposite Party/s : Ms. Gulnar Begum, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Excise Case No. 429C3 of 2023 arising out of Khagaria Excise P.S. Case No. 184 of 2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. In course of vehicle checking, the police intercepted a truck bearing registration no. BR10GA4987. On search which total 304.500 liters Indian Made Foreign Liquor was recovered. The driver and the cleaner, who were present in the truck were arrested at the spot.

4. Learned counsel for the petitioner submits that the



truck was being plied for the purposes of transporting the goods and the owner had not even aware as to what was illegally kept in the truck in connivance with other person. That apart, the petitioner has been made accused in this case on account of he being the owner of the truck in question. Barring the aforesaid fact, there is no material suggesting the complicity of the petitioner in the present crime. She further submits that there is other infirmities in the search and seizure, inasmuch as there is no compliance of Section 100 CrPC.

5. A supplementary affidavit has been filed on behalf of the petitioner stating that on account of inadvertence, in para-3 of the bail application, the antecedent of the petitioner could not be mentioned. However, it has been instructed to the learned counsel appearing on behalf of the petitioner that the petitioner is also made accused in one identical matter, in which he has been allowed the privilege of anticipatory bail.

6. On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner appears to be habitual offender.

6. Regard being had to the submissions made on behalf of the parties and taking note of the fact that the petitioner is made accused in the capacity of he being the owner



of the truck in question, apart from the other infirmities as has been shown to this Court in the preparation of search and seizure, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge-II, Khagaria in connection with Excise Case No. 429C3 of 2023 arising out of Khagaria Excise P.S. Case No. 184 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

rohit/-

U		T	
---	--	---	--

