

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50505 of 2023

Arising Out of PS. Case No.-1046 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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NITISH KUMAR S/O LALBABU RAY R/O VILLAGE- DIDARGANJ, P.S-
DIDARGANJ, DISTT.- PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mrs. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-08-2023 Heard the parties.

The petitioner is an accused in connection with Special Case No. 5262 of 2023 arising out of Excise (Prohibition) Patna P.S. Case No. 1046 of 2023 registered for the offences under sections 30(a) and 56(b) of the Bihar Prohibition and Excise Act lodged on 27.06.2023 by the informant, Imran Anshari.

As per the prosecution story, a ‘tempo’ was intercepted and upon search, 400 litres country made liquor recovered/seized, the driver (petitioner) was arrested, the FIR.

The case of the petitioner is that he is simply a driver not the owner of the ‘tempo’ which belongs to Vikash Kumar who had kept the cartoon without any knowledge to him.



Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the facts that he is a driver, is in custody since 27.06.2023 (as stated in paragraph 11 of the bail application), do not have criminal antecedent and will ultimately face the trial, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Special Judge Excise, Patna in connection with Special Case No. 5262 of 2023 arising out of Excise (Prohibition) Patna P.S. Case No. 1046 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark



attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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