

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53780 of 2023

Arising Out of PS. Case No.-32 Year-2023 Thana- BYPASS District- Patna

=====

NITISH KUMAR @ EHRAN SON OF LALBABU RAY R/O-DIDARGANJ,
P.S.-DIDARGANJ, DISTT.-PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-08-2023

Heard the parties.

The petitioner is in custody since 13.07.2023 in connection with Bypass P.S. Case No. 32 of 2023 for the offence punishable under Sections 30 (a) of Bihar Prohibition and Excise Amendment Act 2022, lodged on 19.01.2023 by the informant, Sanjay Kumar.

As per the prosecution story, the police reached the place as per secret information, 65 liters country-made liquor in two plastic bags have been recovered/seized from the 'hut of Bablu Kumar. The person apprehended was Bablu Kumar who confessed that this petitioner gave him the liquor for selling. This led to the FIR.

Learned counsel for the petitioner submits that nothing has been recovered from his possession, the recovery is



from the 'hut' of the accused, Bablu Kumar who confessed the name of this petitioner leading to his arrest and is in custody since 13.07.2023 (as stated in paragraph-10 of the petition).

Learned APP opposes the prayer for bail stating that he has criminal antecedent of similar nature.

Considering the submissions put forward by the learned counsel for the petitioner, he is in custody since 13.07.23 and recovery is from the 'hut' of accused, Bablu Kumar, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge Excise, Patna City, in connection with Bypass P.S. Case No. 32 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 his 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/-

U			
---	--	--	--

