

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62038 of 2023

Arising Out of PS. Case No.-684 Year-2023 Thana- SHERGHATI District- Gaya

Nitish Kumar @ Golu Kumar Son Of Rajesh Singh Resident Of Village-
Khaira Manorath, P.S- Kasma, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
28.06.2023 in connection with Sherghati P.S. Case No. 684 of
2023, F.I.R. dated 27.06.2023 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Amendment Act, 2018.

3. Recovery is of 78.72 liters of foreign liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. Further submits that from a bare perusal of the FIR
as well as the seizure list that nothing has been recovered from
conscious possession of the petitioner rather the recovery has
been made from the vehicle in question and the petitioner is



driver of the vehicle in question and he has no concern at all with the alleged recovery of illicit liquor and the petitioner is in custody since 28.06.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one but he fairly submits that out of three cases, the petitioner is on bail in two cases, and rest one case is pending for consideration, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, nothing has been recovered from conscious possession of the petitioner, 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 learned Exclusive Special Excise Judge-02, Gaya in connection with Sherghati P.S. Case No. 684 of 2023, with the following conditions:-

(I) The learned court below is directed to verify the genuineness that whether the petitioner is owner or not of the vehicle in question. If it is found that the petitioner is owner of the vehicle in question, the bail bond of the petitioner shall not be accepted by the learned court below.

(II) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(III) 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.

(IV) 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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