

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63268 of 2022

Arising Out of PS. Case No.-431 Year-2021 Thana- KORHA District- Katihar

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NIRAJ KUMAR Son of Rampukar Mahto Resident of Village- Kalyanpur
Basti, P.S.- Mohiuddinagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mr. Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-01-2023 Heard Ld. counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in connection with Korha
P.S. Case No. 431 of 2021, registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

As per allegation total 1089 liters of country-made
foreign liquor was recovered from one Pick-up van bearing
Registration No. BR 09GB 0816.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that petitioner is only the owner of



the vehicle and he was not aware of the contents of the material loaded in the vehicle. He also submits that nothing has been recovered from the conscious possession of the petitioner.

He further submits that the petitioner has been languishing in jail since 13.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has moved this Court earlier for anticipatory bail vide Cr. Misc. No. 11398 of 2022 which was rejected vide order dated 08.07.2022.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional District and Sessions Judge cum Exclusive Court



No. 2, Katihar, in connection with Korha P.S. Case No. 431 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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