

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64131 of 2023

Arising Out of PS. Case No.-766 Year-2023 Thana- Excise P.S. District- Nalanda

=====

NANDELAL KEWAT @ NANDLAL KEWAT S/O LATE RAMSWARUP
KEWAT R/O MUHALLA MAHALPUR (KHARIABAD), P.S- BIHAR,
DISTT.- NALANDA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Upendra Kumar
		Ms. Kumari Sujata Sinha
For the Opposite Party/s	:	Mr.Parmanand Prasad

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 07-12-2023 Learned counsel for the petitioner is permitted to make necessary correction in para-1 of the bail petition during course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Excise P.S. Case No. 766 of 2023 registered for the offences punishable under Sections 30(A), 32 of Bihar Prohibition and Excise Act, 2016.

4. As per prosecution case, informant got secret information that foreign liquor is being unloaded from Mini truck in question in a factory. Thereafter, informant along with other police official reached at the spot and recovered total



277.500 litre illicit liquor from the place of occurrence. Petitioner is said to be unloading the sack of illicit liquor from truck in question and petitioner along with other apprehended on the spot.

5. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner is in custody since 27.07.2023 and bears no criminal antecedent. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner is not in any way connected with the alleged vehicle and wine in question. Petitioner has nothing to do with the alleged recovery. There is only allegation that petitioner was unloading the illicit liquor from the vehicle in question. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence.

6. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the



petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge cum Special Judge, Excise, 2nd, Nalanda at Bihar Sharif in connection with Excise P.S. Case No. 766 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(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.

(Alok Kumar Pandey, J)

shahzad/-

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

