

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 63059 of 2022**

Arising Out of PS. Case No.-134 Year-2021 Thana- BHAGWANPUR District- Begusarai

NISHANT KUMAR @ NIKKU S/O Dhananjay Sharma @ Dhananjay Choudhary R/O Village- Dadpur, P.S- Bhagwanpur (Teyay), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Ms Sharda Kumari, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 13-01-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar through Virtual Mode.

The petitioner seeks bail in Bhagwanpur (Teyay) Police Station (for brevity, **PS**) Case No 134 of 2021 registered for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

61.125 liters of illicit liquor has been recovered from banana orchard of one Bhola Singh.

It is submitted by the petitioner's counsel that petitioner's implication is based on his antecedents by alleging that there is secret information regarding his involvement. His implication, in the instant case, is without any cogent basis. He is in custody since 02.10.2022.



Learned APP has opposed the prayer for bail.

Having considered the rival submissions, manner of recovery, nature of allegation and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Judge Excise-I, Begusarai in Bhagwanpur (Teyay) PS Case No 134 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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