

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68592 of 2023

Arising Out of PS. Case No.-452 Year-2023 Thana- NAUGACHIA District- Bhagalpur

Nishant Kumar Son Of Manoj Kumar Resident Of Village- Bhatgama, Ps-
Chausa, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Adv.
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Naugachiya P.S. Case No. 452 of 2023 dated 12.08.2023,
lodged under Section 30(a) of the Bihar Prohibition and Excise
Act, 2018.

3. As per the prosecution case, the total recovery of
191.30 litre country-made wine has been made, which is the
subject matter of the present case.

4. Learned counsel for the petitioner submits that the
F.I.R. has been lodged against four named accused persons
including the petitioner and from the seizure list, it transpires
that the recovery has been made from a hut-like shop. Counsel
submits that the antecedent of the petitioner is clean and he is in
custody since 13.08.2023.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that it is true that the antecedent of the petitioner is clean and from the seizure list, it transpires that the recovery has been made from a hut-like shop.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge- Ist, Bhagalpur in connection with Naugachiya P.S. Case No. 452 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or

promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

7. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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