

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64758 of 2022

Arising Out of PS. Case No.-366 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

NIMI @ NIMI PASI @ DEEPU KUMAR SON OF RAMESHWAR
CHOUDHARY R/O- AMRA TALAB, P.S.- SASARAM (MUFFASIL),
DISTT.- ROHTAS, SASARAM

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Sasaram (Muffasil) P.S. Case No. 366/2021, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

117.200 litres (one hundred seventeen litres & two hundred millilitres), foreign liquor has been allegedly recovered from a 'tempo'. The two (2) persons standing near the tempo have fled away

It is submitted by the petitioner's counsel that even as per prosecution case, petitioner was not arrested at the time and place of recovery. His implication is based on extraneous considerations and due to his three (3) criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application. He is stated to be in custody since 30.08.2022.



Learned APP for the State has opposed the prayer for bail.

Having regard to the manner of recovery, submissions advanced by the parties, period of custody 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 of the petitioner is allowed.

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 the learned Exclusive Special Excise-cum-Addl. District and Sessions Judge, Rohtas at Sasaram, in connection with Sasarm Muffasil P.S. Case No. 366/2021, 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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