

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64531 of 2022**

Arising Out of PS. Case No.-474 Year-2022 Thana- FATEHPUR District- Gaya

Nitish Kumar, S/o Krit Yadav, R/v- Purani Bathan, P.S.- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar, Adv

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 20-01-2023 Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

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

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Fatehpur P.S. Case No. 474 of 2022 registered under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

During routine checking, there is alleged recovery of illicit liquor from three vehicles i.e. Bolero, Auto as well as Motorcycle. Against the petitioner, there is allegation that he was in the Bolero, from which 800 litres illicit liquor has been recovered.



Learned counsel for the petitioner submits that the allegation is false. Recovery is denied and disputed, and is not in accordance with law. Petitioner was a passenger in the vehicle and had no knowledge about the liquor. He was neither owner nor driver of the vehicle. He is in custody since 25.07.2022.

Learned APP has opposed the prayer for bail.

Having regard to the manner of recovery, the submissions advanced by the parties, the period of custody and the fact that investigation is complete, this Court is inclined to allow the petitioner's prayer for bail. Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-01, Gaya in Fatehpur P.S. Case No. 474 of 2022, 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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