

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.371 of 2023

Arising Out of PS. Case No.-284 Year-2018 Thana- BALIYA District- Begusarai

NITESH KUMAR Son of Awadhesh Kumar @ Awadhesh Singh R/V- Iniyar,
P.S- Muffasil, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Prasad, Advocate

For the Opposite Party/s : Mr .Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 30(a), 32, 41(1), of Bihar
Prohibition and Excise Act, 2016.

Recovery is of total 13,448.12 litres of illicit liquor.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that altogether total
13,448.12 litres of illicit liquor has been recovered from the
different vehicles including the motorcycle of the petitioner and
23.64 litres of liquor has been recovered from the motorcycle of
the petitioner. He further submits that there is non-compliance



of Section 100 of the Cr.P.C. He further submits that the police after investigation submitted the chargesheet against the petitioner and the petitioner is in custody since 08.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, petitioner has clean antecedent, 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 Court below where the case is pending in connection with Balia P.S. Case No. 284 of 2018, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Mdrashid/
alok/-

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

