

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74411 of 2022

Arising Out of PS. Case No.-681 Year-2022 Thana- NAUBATPUR District- Patna

Nitesh Kumar Choudhary @ Aishwarya S/O Vinod Choudhary R/v- Sakin,
P.S.- Nagar Ara, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Sinha, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
13.10.2022 in connection with Naubatpur P.S. Case No. 681 of
2022, F.I.R. dated 11.10.2022 for the offences punishable under
Sections 30(a), 32(i)(ii), 36, 41(i)(ii) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

Recovery is of total 486 liters of illicit liquor from the
Traveler Bus and Maruti Siaz Car.

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 486 liters of
illicit liquor has been recovered from the Traveler Bus and



Maruti Siaz Car. He further submits that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the vehicle in question. He further submits that petitioner is neither the owner nor the driver of the said vehicle in question and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 13.10.2022.

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

Considering the aforesaid facts and circumstances, 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 Special Excise Judge, Danapur, Patna in connection with Special Case No. 1806 of 2022, arising out of Naubatpur P.S. Case No. 681 of 2022, 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)

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