

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39098 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- PUSA District- Samastipur

Nitesh Kumar S/O BAIDYANATH PASWAN resident of village - harpur,
P.S.- kalyanpur, DIST- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anu Priyadarshni
For the Opposite Party/s : Mr.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Pusa P.S. Case No. 24 of 2024 lodged on 28.02.2024 under
Section 30(a) of the Excise Act, 2022.

3. As per the prosecution case, F.I.R. has been lodged
against two named accused persons including the present
petitioner against whom there is an allegation that there is
recovery of total 45 litre of foreign liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
further submits that the criminal antecedent of the petitioner is
clean and the petitioner is in custody since 28.02.2024. He
further submits that the recovery has been made from the



motorcycle which does not belong to the petitioner and the only mistake which has been committed by the petitioner is that he has taken lift from the person who was driving the alleged motorcycle and when police stopped, he was also arrested.

5. Learned APP for the State opposes the prayer for bail.

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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-1, Samstipur in connection with Pusa P.S. Case No. 24 of 2024 subject to the condition laid down under Section 437(3) of the Cr.P.C.

(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.

(Dr. Anshuman, J)

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