

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56417 of 2024

Arising Out of PS. Case No.-459 Year-2024 Thana- Excise P.S. District- Nawada

Nitish Kumar S/O Arjun Yadav Resident Of Village- Mohkama, P.S- Rajauli,
District- Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-08-2024 Heard learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks grant of regular bail, in connection with Excise Nawada P.S. Case No.459 of 2024 registered for the offence punishable under Sections 30(a) and 47 of the Excise Act.

3. While the police personnels were moving in connection with an investigation they saw one person coming on a motorcycle along with a bag. Having suspected, the police tried to intercept the motorcycle rider, however, he left the motorcycle and tried to flee away but subsequent thereto he was apprehended. On search 85 liters of illicit liquor have been recovered from the motorcycle.

4. Learned Advocate for the petitioner referring to the FIR contended that the petitioner has neither any connection



with the motorcycle nor with the recovered illicit wine, however, only on account of the fact that he was moving near the motorcycle, on suspicion he was apprehended and thereafter recovery has been shown from his possession. It is further contended that the petitioner is a man of fair antecedent and apart from serious infirmities in the search and seizure now the investigation of the crime is complete and the charge-sheet has been submitted. The petitioner has been incarcerated since 30.06.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner was apprehended with 85 liters of illicit liquor.

6. Regard being had to the submissions made on behalf of the parties and considering the fair antecedent of the petitioner and the factum of completion of investigation and the submission of charge-sheet, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court Excise-2, Nawada in connection with Excise Nawada P.S. Case No.459 of 2024, subject to the condition that one of the bailors



will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

durgesh/-

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

