

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73721 of 2024

Arising Out of PS. Case No.-115 Year-2021 Thana- MALI District- Aurangabad

Nitish Kumar @ Bhura @ Mura Son of Sandeep Singh @ Chandradeep
Chandrawanshi Resident of Village - Natwa Parsawa, Parsama, P.S. -
Kutumba, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aman Vishal, Advocate Ms. Leelawati Kumari, Advocate
For the Opposite Party/s	:	Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-10-2024 Heard Mrs. Leelawati Kumari, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with Mali
P.S. Case No. 115 of 2021 for the offence punishable under
section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018 lodged on 22.12.2021 by the informant, Dashrath
Yadav.

3. As per the prosecution story, the police intercepted
a swift Dzire car and recovered/seized 300 liters of country-
made liquor. Though two accused persons managed to escape,
one Hariom Kumar was arrested and gave the name of the other
accused, the petitioner being one of them. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only



due to enmity, he has been named by the arrested persons, the car does not belong to him and he do have any criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that he has been named by the arrested person.

6. Taking into account the submissions put forward by the parties as also that the car does not belong to the petitioner, he do not have any criminal antecedent and nothing has been recovered from his conscious possession, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Second, Aurangabad (Bihar), in connection with Mali P.S. Case No. 115 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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