

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77611 of 2024

Arising Out of PS. Case No.-706 Year-2024 Thana- Excise P.S. District- Aurangabad

Niraj Kumar S/O Mahendra Yadav R/O village -Nasib Bigha, P.S Narari Kala
Khurd, District -Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-11-2024 Heard Ms. Mukul Kumari, learned counsel for the

petitioner and Mr. Shyam Bihari Singh, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
22.07.2024, in connection with G.R. No. 1264 of 2024 arising
out of Excise P.S. Case No. 706 of 2024, F.I.R. dated
22.07.2024 registered for the offences punishable under
Sections 30(a), 32(3) of the Bihar Prohibition of Excise Act and
Sections 41(1), 41(2) of the Bihar Prohibition and Excise Act,
2016.

3. Recovery is of 319.680 litres of country made
liquor.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely



implicated in the present case merely on the ground that the petitioner is the driver of the vehicle in question and from perusal of the F.I.R., it appears that altogether 319.680 litres of country made liquor was recovered from the vehicle in question. She further submits that the petitioner has no concern at all with the alleged recovery of illicit liquor and the owner of the vehicle namely Ashok Kumar who has been granted the privilege of anticipatory bail by this Court vide order dated 11.09.2024 passed in Cr. Misc. No. 60323 of 2024 and the petitioner is in custody since 22.07.2024.

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

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the owner of the vehicle in question has been granted the privilege of anticipatory bail by this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge of Excise-II, Aurangabad in connection with G.R. No. 1264 of 2024 arising out of Excise P.S. Case No. 706 of 2024, 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 witness, 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 antecedents, 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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