

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.296 of 2024

Arising Out of PS. Case No.-307 Year-2023 Thana- KALYANPUR District- Samastipur

Nandan Kumar Dinesh Prasad Village- Chandauli, PS- Warishnagar, District-
Samastipur(Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Kumar

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Kalyanpur P.S. Case No. 307/2023 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act, 2022.

As per prosecution case, 6660 litre foreign liquor
was recovered from go-down of co-accused Nirmal Kedia and
petitioner along with other co-accused persons were
apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case. It is
further submitted that petitioner is not in any way concerned



with the go-down from where the alleged recovery has been made. Petitioner is merely a daily wage earner, who was called by co-accused Vikash Thakur and was asked to unload goods from a vehicle for which he would be paid instantly. Petitioner unaware of anything, went there to do the same and police arrested the petitioner without knowing the fact that the present petitioner was only working as a labour. Basically no incriminating article has been recovered from conscious possession of the petitioner. Petitioner was apprehended on spot on basis of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. Seizure list has not been made as per law. Petitioner is in custody since 18.10.2023. Co-accused Rohit Kumar has already been granted by this Court vide Cr. Misc. No. dated 85646 of 2023 and case of present petitioner lies more or less on similar footing. Petitioner bears no criminal antecedent.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into



consideration the material available on record, 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 Excise 1, Samastipur in connection with Kalyanpur P.S. Case No. 307/2023 , subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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