

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33259 of 2016

Arising Out of PS.Case No. -154 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
NALANDA (BIHARSHARIFF)

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Nitish Kumar, S/o Shiv Nandan Prasad, R/o Vill. Kawaidih, P.S. Noorsarai,
District – Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binit Kumar

For the Opposite Party/s : Mr. Sri Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 20-08-2016

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Case No. 154C3Ex of 2016 registered under Section 47(a) of
the Bihar Excise Amended Act.

The accusation is that in course of raid in Hotel
Manpasand, Tunnu Singh was found while taking liquor, whereas
in the Kitchen of the hotel, 6 bottles, each containing 375 ml., of
foreign liquor were recovered, from where Kundan Singh and
Kishore Kumar were apprehended, while the petitioner, owner of
the hotel, succeeded to flee away.

Learned counsel appearing on behalf of the
petitioner submits that in fact, petitioner has falsely been

implicated in this case and he was not present at the time of occurrence. The said hotel is not belonging to the petitioner, nor he has any concern with said hotel, but due to ill motive, petitioner has been made accused in this case. Further, submission is that while the petitioner is accused in three others cases, as detailed in paragraph no.-3 of the petition, but in that case, he is only bail.

Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the C.J.M. Nalanda at Biharsharif in connection with Case No. 154C3 Excise/16 subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Rajendra Kumar Mishra, J)

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