

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.5870 of 2017**

Arising Out of PS.Case No. -266 Year- 2016 Thana -DHAKA District-  
EASTCHAMPARAN(MOTIHARI)

=====

Nitish Kumar @ Nitish Rai @ Nitish Roy S/o Jay Narayan Rai, Resident of  
Village- Panchtaki Ram, P.S.- Bairginiya, District- Sitamarhi

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**  
**ORAL ORDER**

2      22-02-2017      Heard both sides.

The petitioner seeks bail in connection with Dhaka P.S.  
Case No. 266 of 2016, instituted for the offence punishable under  
Sections 272, 273 of the Indian Penal Code and 47(a) of the Bihar  
Excise Amendment Act 2016.

The allegation is that this petitioner while carrying 90  
bottles illicit Nepali wine each containing 300ml was apprehended  
by the police.

Learned counsel for the petitioner submits that neither  
the petitioner was arrested on the spot nor anything was recovered  
from his conscious possession. The petitioner is in custody since  
12.09.2016.

Learned APP, on the other hand, opposed the prayer.



Considering the facts and circumstances of the case, the prayer of bail is allowed. He (Nitish Kumar) is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate Sikarahna at Dhaka, East Champaran in connection with Dhaka P.S. Case No. 266 of 2016.

**(Sanjay Kumar, J)**

rohit/-

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