

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35017 of 2018

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Nitish Kumar, S/o Late Awadesh Saw, Resident of Village- Sabnauhua
Bazar, P.S.- Harnaut, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr. Mritunjay Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 22-06-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 420, 120B, 272 and 273 of the
Indian Penal Code and Sections 30(a), 38 and 41 of the Bihar
Prohibition and Excise Act, 2016.

103.14 litres of foreign liquor is said to have been
recovered from Nitish Choumin Factory allegedly run by the
petitioner and two other accused persons in the house of Naresh
Singh and the aforesaid accused persons were apprehended.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
conscious physical possession of the petitioner. He has no concern



either with the seized liquor or with the place of recovery or with business of running of Choumin factory. As a matter of fact, the petitioner had arrived at the place of occurrence to purchase noodle and he was falsely implicated in the case merely on suspicion by the police. Though one more criminal case has been lodged against the petitioner, but he is on bail in the aforesaid case. He has been languishing in custody since 14.04.2018.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 6th A.D.J. Sessions Judge cum Special Judge, Excise, Nalanda at Biharshariff in connection with Chandi P.S. Case No. 96 of 2018.

(Prakash Chandra Jaiswal, J)

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