

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.43551 of 2018**

Arising Out of PS.Case No. -24 Year- 2017 Thana -MOKAMA RAIL P.S. District- PATNA

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Nitish Yadav @ Nitish Kumar, Son of kapil yadav, Resident of Belthan,  
Police Station- Bakhtiyarpur, district- Patna.

.... .... Petitioner/s

Versus

The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Prem Kumar

For the Opposite Party/s : Mr. Jai Narain Thakur

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA**  
**JAISWAL**  
**ORAL ORDER**

2      19-07-2018                      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 272 and 273/34 of the Indian  
Penal Code and Section 30(a) of the Bihar Prohibition and Excise  
Act, 2016.

230 litres of country made liquor is said to have  
been recovered from the five bags being carried by co-accused  
Binod Kumar Yadav in the bogy of the train. The said Binod  
Kumar Yadav was apprehended who disclosed the name of the  
petitioner in the occurrence.

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. He has been falsely implicated in the case by the said Binod Kumar Yadav due to animosity. He was not apprehended on the spot. Said, Binod Kumar Yadav has been enlarged on bail by a co-ordinate bench of this court vide order dated 10.08.2017 passed in Cr. Misc. No. 35564 of 2017. He has been languishing in custody since 12.12.2017.

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 Special Judge, Excise Act, Patna in connection with Mokama Rail Police Station Case No. 24 of 2017.

**(Prakash Chandra Jaiswal, J)**

Trivedi/-

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