

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50101 of 2018

Arising Out of PS.Case No. -519 Year- 2017 Thana -FATUHA District- PATNA

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Nitish Kumar, Son of Kapil Yadav, Resident of Village- Belthan, P.S.-
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 : Smt Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 18-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Section 120B of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Some foreign liquor is said to have been recovered
from the house and from the vehicle parked at the house of
Vinay Kumar and two accused persons namely Vinay Kumar and
Ranjeet Kumar were apprehended. Said Vinay Kumar divulged
the name of the petitioner as one of his accomplices 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 or place of recovery or vehicle in question. He has been falsely implicated in the case by the apprehended accused due to animosity. Barring the aforesaid disclosure made by the apprehended accused, there is nothing in the record indicting the complicity in the occurrence. Petitioner was not apprehended on the spot. Though 21 criminal cases have been lodged against the petitioner, but he is on bail in all the aforesaid cases barring one. He has been languishing in custody since 19.01.2018.

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 Special Judge, Excise, Patna in connection with Fatuha P.S. Case No. 519 of 2017.

(Prakash Chandra Jaiswal, J)

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