

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52555 of 2018

Arising Out of PS.Case No. -205 Year- 2018 Thana -BIBHUTIPUR District- SAMASTIPUR

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Nitesh Kumar @ Jhariya, S/o. Ramesh Prasad Singh, R/o. Village- Muriya
Sthan, P.S.- Vibhutipur, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Yogendra Kumar

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

2 27-08-2018 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 38, 47 and 30(a) of the Bihar
Prohibition and Excise Act, 2016.

22.80 litres of country made liquor is said to have
been recovered from the bathroom of the petitioner and petitioner
was 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
with the seized liquor. He has been falsely implicated in the case
at the instance of his enemy. The house of the petitioner is
inhabited by his several family members and he had no knowledge



of keeping of the said liquor in the house. The seizure list does not bear the signature of the petitioner. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 15.07.2018.

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 Additional Sessions Judge- 6th cum Special Judge, Excise Act, Samastipur in connection with Vibhutipur P.S. Case No.205 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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