

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16724 of 2019**

Arising Out of PS. Case No.-22 Year-2019 Thana- TAJPUR District- Samastipur

NITESH KUMAR @ NITISH KUMAR Son of Shiv Shankar Ray, Resident
of Village- Waini, P.S- Tajpur (Waini O.P.), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh
For the Opposite Party/s : Mrs.Madhuri Lata

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 27-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
22.01.2019 in a case registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that 17.280 litres of Indian Made Foreign
Liquor were recovered from a motorcycle on which two persons
namely Nitish Kumar, the petitioner and Anand Kumar were
found travelling and were apprehended.

It is submitted by learned counsel for the petitioner
that the petitioner is not the owner of the motorcycle in question
and said recovery has not been made from the conscious
physical possession of the petitioner. A statement has been made
in paragraph no.3 of the petition that the petitioner is not having



any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the motorcycle on which the petitioner was found travelling along with co-accused Anand Kumar.

Considering the fact that the prosecution case does suggest the actual owner of the vehicle in question has been ascertained, recovery has not been made from the conscious physical possession of the petitioner coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd ADJ-cum-Special Judge, Excise Act, Samastipur in connection with Tajpur (Waini O.P.) P.S. Case No.22 of 2019.

(Dinesh Kumar Singh, J)

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