

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79998 of 2018

Arising Out of PS. Case No.-75 Year-2018 Thana- BAKHARI District- Begusarai

Nitish Kumar, S/o Suresh Mahto, R/o Village Naokothi, P.S. Naokothi, Distt. Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.Smt. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 18-01-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Bakhri P.S. Case No. 75 of 2018 registered under Section 30(a) of the Bihar Excise & Prohibition Act, 2016.

115.60 litres of foreign liquor is said to have been recovered from Bolero and name of the petitioner has surfaced in the case on the basis of tip off given by spy and on his confessional statement.

It is submitted by the learned counsel for the petitioner that no incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or with the vehicle in question. Aforesaid



vehicle was hailing to Vaibhav Vardhan @ Bittu Singh. Petitioner was not apprehended on spot. Confessional statement of petitioner recorded by the police has no evidentiary value in the eye of law. Petitioner has no Criminal antecedent. He has been languishing in custody since 27.11.2018.

On the other hand learned Spl. PP opposed the bail prayer of the petitioner.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge, VII, Begusarai in connection with Bakhri P.S. Case No. 75 of 2018.

(Prakash Chandra Jaiswal, J)

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