

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85356 of 2019**

Arising Out of PS. Case No.-54 Year-2019 Thana- MOTIPUR District- Muzaffarpur

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NISHANT KUMAR @ CHINKI RAI @ KARAN S/o Shri Gajadhar Pd.
Yadav R/o Village- Barjee, P.S.- Motipur, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma, Adv.

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 18.04.2019 in a case registered for the offence punishable under Sections 420, 120B/34 of the Indian Penal Code and Sections 30(a), 38(1) and 41(1) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case as per the self statement of Anil Kumar, Inspector-cum-S.H.O., Motipur Police Station recorded on 04.02.2019 at 06.15 A.M. is to the effect that after having received a secret information that illicit liquor is being



transported, a raid was conducted. Consequently, a truck was intercepted and two co-accused persons, Yunus and Gulfan were apprehended who disclosed the name of other co-accused, who escaped from the scene, as Shyam Kishore Rai, Abhay Rai, Nagendra Rai and the petitioner Nishant Kumar @ Chinki Rai @ Karan. On search total, 1576.440 of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that admittedly the petitioner was not apprehended from the spot, but only on the basis of suspicion, he has been roped in the present case and the said recovery has not been made from the possession of the petitioner. A statement has been made in paragraph no.3 of the petition that apart from the present case, the petitioner is accused in six other cases.

Learned APP for the State submits that the petitioner was found fleeing away from the place of seizure.

Considering the fact that the petitioner has been made accused only on the basis of circumstantial evidence and the investigation being already concluded, 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 Special Judge,



Excise, Muzaffarpur, in connection with Motipur P.S. Case
No. 54 of 2019.

(Dinesh Kumar Singh, J)

Ashwini/-

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