

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31073 of 2021**

Arising Out of PS. Case No.-18 Year-2021 Thana- PARBATTa District- Bhagalpur

NITISH KUMAR S/O LATE BIRENDRA PRASAD YADAV R/O
VILLAGE-MIRCHA, P.S-SIKANDRA AND DISTRICT-JAMUI, BIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Pallavi Pandey

For the Opposite Party/s : Mr. Umeshanand Pandit

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 10-12-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Special Excise Case No. 229 of 2021, arising out of Parbatta Police Station Case No. 18 of 2021, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation, as per the First Information Report, is that the police recovered 143.625 litres of illicit liquor from a truck, which was being driven by the petitioner.

Learned Counsel for the petitioner submits that the petitioner is the driver of the truck and on the instruction of the owner of the said truck, the petitioner was driving the truck . He was not aware about the illicit liquor being kept inside the



truck. He next submits that the petitioner is in custody since 09.02.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioner has got no criminal antecedent, he is not the owner of the truck; rather he is the driver of the truck in question, charge sheet has already been submitted and the petitioner is in custody since 09.02.2021, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, Nitish Kumar, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Bhagalpur, in connection with Special Excise Case No. 229 of 2021, arising out of Parbatta Police Station Case No. 18 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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