

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30608 of 2021

Arising Out of PS. Case No.-701 Year-2020 Thana- MASAUDHI District- Patna

NITISH YADAV @ NITISH KUMAR Son of Late Naresh Yadav Resident of
Village - Badraui, P.S.- Masaudhi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan, Advocate
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-12-2021 Heard the learned counsel appearing for the petitioner
and learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with
Special Case No. 6695 of 2020 arising out of Masaudhi P.S. Case
No. 701 of 2020 for the offence punishable under Sections
30(a) and 30(c) of the Bihar Prohibition and Excise Amendment
Act, 2018.

The allegation is regarding recovery of 60 litres of illicit
liquor from the river bank.

The learned counsel for the petitioner has submitted that
the petitioner is innocent, has been falsely implicated in the
present case and he is languishing in custody since 01.12.2020.
The learned counsel for the petitioner has further submitted
that the petitioner has been arrested subsequently on false



information given by an alleged spy and in fact illicit liquor has not been recovered either from his possession or from his house.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the illicit liquor has not been recovered either from the conscious possession of the petitioner or from his house, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail upon him 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), Patna in connection with Special Case No. 6695 of 2020 arising out of Masaudhi P.S. Case No. 701 of 2020.

(Mohit Kumar Shah, J)

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