

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34251 of 2021

Arising Out of PS. Case No.-514 Year-2020 Thana- BIHPUR District- Bhagalpur

1. NITESH KUMAR @ NITESH KUMAR ISHWAR @ NILESH ISHWAR
Son of Anandi Ishwar Resident of Village - Sonbarsha, P.S.- Bihpur, District
- Bhagalpur.
2. Roushan Kumar Son of Bhikhari Mahto @ Bhikhari Mandal Resident of
Village - Korchakka, P.S.- Bihpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha, Adv
For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-01-2022 Heard Mr. Ajay Kumar Jha, learned counsel for the
petitioners and Mr. Rajiv Nayan, Additional Public Prosecutor
for the State.

Petitioners seek regular bail in connection with
Bihpur (Jhandapur O.P) PS Case No. 514/2020 registered for
the offence punishable under Sections 30(a)/38(1) of Bihar
Prohibition & Excise Act 2018.

The police recovered 52 litres of illicit liquor from a
Maruti Suzuki Van (OMNI) bearing Registration No. MH-43D-
8396 in which the petitioners were sitting.

Learned counsel for the petitioners submits that the
petitioners are not the owner of the vehicle from where the illicit



liquor has been recovered and petitioner no.1, Nitesh Kumar @ Nitesh Kumar Ishwar @ Nileshe Ishwar is cleaner and petitioner No.2, Roushan Kumar is the driver of the said vehicle. He further submits that petitioners have got no criminal antecedents and they were not aware about the liquor kept by the co-accused, i.e., owner of the car.

Learned counsel further submits that petitioners are in custody since 17.12.2020 and the charge-sheet in the matter has already been submitted.

Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that petitioners are in custody since 17.12.2020 having no criminal antecedent and the charge-sheet in the matter has already been submitted and there is no likelihood that the petitioners will abscond or tamper with the evidences, if they are released on bail, I am inclined to grant regular bail to the petitioner.

Accordingly, let both the petitioners, named above, be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each 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 Bihpur



(Jhandapur O.P) PS Case No. 514/2020.

(Anil Kumar Sinha, J)

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