

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39577 of 2021

Arising Out of PS. Case No.-82 Year-2021 Thana- BARAUNI District- Begusarai

NIKESH KUMAR @ MUKESH KUMAR Son of Sahindra Rai @ Sahindra
Roy Ganga Prasad, Amarpur, P.S.- Barauni, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal, Advocate

For the Opposite Party/s : Ms.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-01-2022 Heard the learned counsel appearing for the petitioner and
the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Barauni P.S. Case No. 82 of 2021 for the offence punishable under
Sections 414, 467, 468 and 120(B) of the Indian Penal Code and
Section 30(A) of the Bihar Excise (Prohibition) Act, 2016.

The allegation is regarding recovery of 738 litres of illicit
foreign liquor from a pick up van and three miscreants including
the petitioner are stated to have been arrested from the spot.

The learned counsel for the petitioner has submitted that
the petitioner is innocent, he has been falsely implicated in the
present case, is having a clean antecedent and he is languishing
in custody since 01.03.2021. It is further submitted that neither
the illicit liquor nor the pick up van belongs to the petitioner and
this fact has categorically been stated in paragraph no. 9 of the



present petition. It is also submitted that the petitioner has been falsely implicated in the present case merely on suspicion.

Per contra, the learned A.P.P. 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, taking into account the materials available on record as also considering the fact that the petitioner has categorically stated in the present petition that he has got no connection either with the illicit liquor or the vehicle in question, apart from the fact that he is having a clean antecedent and no illicit liquor has been recovered from his conscious possession, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to 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 Additional Sessions Judge-II-cum-Special Judge (Excise Act), Begusarai in connection with Barauni P.S. Case No. 82 of 2021.

(Mohit Kumar Shah, J)

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