

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49571 of 2021

Arising Out of PS. Case No.-89 Year-2021 Thana- SUPPI District- Sitamarhi

1. NITISH KUMAR S/o Devendra Mandal Resident of Village-Ratanpur, P.S.- Majorganj, District- Sitamarhi.
2. Mithun Paswan S/o Late Kanchan Paswan Resident of Village- Bokatha, P.S.- Suppi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Adv.

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 22-02-2022 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, 60 litres of liquor was recovered from the motorcycle on which both the petitioners were present.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from their possession. They have been falsely implicated in the case. They are in custody since 25.5.2021 and chargesheet has been submitted in the case.



Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the petitioner no.2 having an antecedent under the Bihar Prohibition and Excise Act, 2016, the Court is not inclined to enlarge the petitioner no.2 (Mithun Paswan) on bail and the application is rejected.

Liberty is granted to the petitioner no.2 to renew his prayer for bail on completing one year in custody.

In the facts and circumstances of the case, the petitioner no.1 having remained in custody for more than 8 months and not having any criminal antecedent, the Court directs the petitioner no.1 (Nitish Kumar) to be enlarged on bail in connection with Suppi P.S. Case no.89 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 2nd -cum-Special Judge (Excise), Sitamarhi, District Sitamarhi.

(Partha Sarthy, J)

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