

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44286 of 2022**

Arising Out of PS. Case No.-174 Year-2021 Thana- HASANPUR District- Samastipur

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Nitish Kumar @ Nitesh Kumar @ Nitish Yadav Son of Ram Pravesh yadav
R/V- Garahi Bishanpur, P.S- Hasanpur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Hasanpur
P.S. Case No. 174 of 2021 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in



custody since 17.06.2022.

The allegation against the petitioner is to involve in the illegal trading of the illicit liquor, where 888.555 liters of IMFL was recovered from a truck bearing Registration no. BR 06 GE 3733.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of secret input received by police, where recovery of alleged illicit liquor was made from the truck, which belongs to co-accused, namely, Sujit Kumar. It is further submitted that this is not a case of recovery of illicit liquor from the conscious physical possession of the petitioner. While concluding the argument, it is categorically submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor cannot be said to be made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in



connection with Hasanpur P.S. Case No. 174 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
learned Special Excise Court-1, Samastipur/concerned Court,
subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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