

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50086 of 2022

Arising Out of PS. Case No.-174 Year-2022 Thana- MINAPUR District- Muzaffarpur

Nitesh Kumar, S/O Birendra Singh, Resident of Village- Ramtobahan, P.S.-
Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Minapur P.S. Case No. 174 of 2022 registered
for the alleged offences under Sections 30(a), 32(i)(ii), 36 and
41(i) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

As per prosecution case, police on secret information
that the co-accused Lalu Kumar was doing illicit trade of liquor,
a raid was conducted on his house and the co-accused Lalu
Kumar along with co-accused Malti Devi were apprehended.
Recovery of total 92.16 litres of India made foreign liquor was



made from the house. The co-accused Lalu Kumar named the petitioner along with some other co-accused persons who has also been dealing in the trade of illicit liquor.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was neither apprehended from the spot nor any recovery has been shown from his conscious possession. The petitioner was neither present at the spot nor was seen at the place of the occurrence at the time of the raid. The petitioner has no concern with the seized contraband or the persons apprehended in this case. The petitioner is in custody since 27.06.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent of similar nature.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the period of custody of the petitioner along with the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge,



Excise court No.1, Muzaffarpur in connection with Minapur P.S.
Case No. 174 of 2022, subject to the other conditions under
Section 437(3) of the Cr.P.C. and following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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