

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60823 of 2021**

Arising Out of PS. Case No.-237 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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NITISH KUMAR @ NITISH KUMAR TIWARI Son of Om Parkash Tiwari
@ Om Prakash Tiwari Resident of Village - Amarut , P.s.- Dobhi, Distt.-
Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 31-03-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in
connection with Excise Case No. 237/2021,
registered for the offence punishable under
Sections 30(a) and 56(b) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 72
liters of Beer from the tempo in question and the
petitioner is stated to be sitting in the said tempo
while he was arrested.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, he has



been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 30.8.2021. The learned counsel for the petitioner has referred to paragraph no. 8 of the present petition to submit that the petitioner is neither the owner of the said tempo nor he has got any connection with the said tempo, hence, he cannot be saddled with the liability of the illicit Beer recovered from the said tempo.

Per contra, the learned APP 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 and taking into account the materials available on record as also considering the fact that the petitioner is not the owner of the tempo in question, he is having a clean antecedent and he is languishing in custody since more than six months, I deem it fit and proper to direct for release of the petitioner on regular bail.



Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-Ind-cum-Special Judge, Excise Act, Gaya in connection with Excise Case No. 237 of 2021.

(Mohit Kumar Shah, J)

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