

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62531 of 2022**

Arising Out of PS. Case No.-248 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Patna

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NITISH KUMAR S/O SRI GOPI RAY R/v - Jafrabad, P.S.- Raghapur,  
District- Vaishali, at present residing Village- Didarganj, P.S.- Didarganj,  
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jay Ram Prasad

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      16-12-2022                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

The petitioner seeks bail in connection with Special  
Case No. 2692 of 2022 arising out of Excise (Prohibition)  
Patna P.S. Case No. 248 of 2022, registered for the offences  
punishable under Sections 30(a), 32(C) and 56(b) of Bihar  
Prohibition and Excise Act, 2016 and Amendment Act, 2022.

As per allegation, 100 litres of country made liquor  
was recovered from a motorcycle.

The learned counsel for the petitioner submits that  
the petitioner is innocent and has falsely been implicated in  
this case. He further submits that the petitioner is not the



owner of the alleged motorcycle. He also submits that nothing has been recovered from the conscious possession of the petitioner.

The petitioner has been languishing in jail since 20.05.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstance, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Special Judge Excise, Patna in connection with Special Case No. 2692 of 2022 arising out of Excise (Prohibition) Patna P.S. Case No. 248 of 2022 on the following conditions:



(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of



the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

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