

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7823 of 2023**

Arising Out of PS. Case No.-537 Year-2021 Thana- FATUA District- Patna

=====  
Nitish Kumar S/O Balmiki Singh R/V- Gauripunda, P.S.- Fatuha, District-  
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====  
**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Rajesh Kumar  
=====

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

3      22-06-2023                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

The petitioner has prayed for regular bail in a case  
registered for the offence punishable under sections 30(a),  
56(c) of Bihar Prohibition and Excise Act.

As per prosecution case, the prosecution case  
relates to recovery of total 210 liter liquor from the bank of  
Mahatmayi river.

Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence. He has  
falsely been implicated in this case. The petitioner has no  
concern with the alleged recovery nor he was apprehended  
on the spot. It is further submitted that nothing



incriminating article has been recovered from his conscious possession. Moreover, the petitioner is languishing in judicial custody since 03.12.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Fathua P.S. Case No. 537 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City, Patna.

**(Sunil Kumar Panwar, J)**

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