

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15382 of 2023

Arising Out of PS. Case No.-27 Year-2021 Thana- NOKHA District- Rohtas

Bitu Kumar @ Bittu Kumar S/O- Satyanarayan Singh Resident Of Village-
Krishnapur Ps- Nokha District- Rohtas At Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chhote Lal Mishra
For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-04-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner prayed for regular bail in connection with Nokha P.S. Case no. 27 of 2021 instituted for the offence under Sections 414 of IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Prosecution case relates to recovery of total 12 liters country made liquor from the house of this petitioner and also recovered one Pulsar motorcycle bearing Reg. No. BR-24-J-7482 from the door of his house.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in



this present case. Petitioner lives in joint family and he has no knowledge about the motorcycle and wine and the same does not belong to him. Petitioner has no concern with the alleged recovery or with the place of occurrence. No any incriminating article has been recovered from his conscious possession. It is further submitted that seizure list has not been prepared as per provision of Cr.P.C. Petitioner has voluntarily surrendered before court below on 18.01.2023 and since then he is languishing in judicial custody.

Learned APP appearing for the State has vehemently opposed the prayer of Bail.

The petitioner is directed to deposit a sum of Rs 5,000/- (Five Thousand) in the District Legal Services Authority of concerned District.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Nokha P.S. Case No. 27 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 Exclusive Special Judge, Excise Court No-2, cum Additional District and Sessions Judge, Rohtas at Sasaram.

The bail bonds of the petitioner shall be accepted by the learned court below on showing the receipt of deposit of Rs. 5,000/- (Rs. Five thousand) by the petitioner in the account of the concerned DLSA.

(Sunil Kumar Panwar, J)

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