

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16879 of 2023

Arising Out of PS. Case No.-73 Year-2023 Thana- FATEHPUR District- Gaya

NITISH KUMAR, aged about 25 years, Male, SON OF LATE DHANRAJ PRASAD, R/O VILLAGE- PAHARPUR GANESHDIH, P.S.- FATEHPUR, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Durgesh Nandan, Advocate
Manisha Prakash, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with Fatehpur P.S. Case No. 73 of 2023 dated 31.01.2023 registered for the offence(s) punishable under Section(s) 30(a) of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned counsel for the petitioner are that the instant matter relates to the recovery of 30 litres of country made illicit wine and the same is stated to have been recovered from a motorcycle and petitioner is alleged to have his possession over the said motorcycle but at the time of recovery of alleged wine, the petitioner was passing near the place of recovery and he had



stopped to watch the said recovery and he was made accused merely on the basis of suspicion, against him there is criminal antecedent of one case in which he is on bail and he is a very young person and has been languishing in jail since 01.02.2023 and against him, investigation has been completed and in fact he became victim of the circumstances.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly petitioner's young age as well as completion of investigation against him and his custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail in connection with Fatehpur P.S. Case No. 73 of 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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