

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19512 of 2023

Arising Out of PS. Case No.-938 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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Nitish Kumar S/O Mithilesh Mehta R/O Village- Kumarpur, Ward No.-04,
P.S- Bihariganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar
For the Opposite Party/s : Mr. Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 19-05-2023 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 section 30(a) of the
Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 216 liters
of illicit foreign liquor from fodder house of the co-accused
namely, Jitendra Kumar.

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 has no concern with the alleged recovery of illicit
liquor or with the place of occurrence. **Neither the petitioner**



was apprehended on spot nor any incriminating article has been recovered from conscious possession of the petitioner. Moreover, similarly situated co-accused namely, Laxman Mehta has already been granted bail by a co-ordinate Bench of this Court vide order dated 27.9.2022 passed in Cr. Misc. No. 40090 of 2022 and in support of this Annexure-2 has been annexed with this petition. The petitioner is languishing in judicial custody since 31.1.2023.

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

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Excise P.S. Case No. 938 of 2020 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-VII-cum-Special Judge, Excise-II, Madhepura.

(Sunil Kumar Panwar, J)

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