

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25121 of 2023

Arising Out of PS. Case No.-295 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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NITISH KUMAR, aged about 27 years, Gender- Male, S/O UMESH PASWAN Resident of Vishnupuri @ Vishnupuri, Anishabad, P.S.- Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 15-05-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.

2. Petitioner seeks regular bail in connection with Excise Patna P.S. Case No. 295 of 2023, Special Case No.1869/2023 dated 21.02.2023 registered for the offence(s) punishable under Section(s) 30(a) & 56(b) 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 119.475 litres of illicit foreign liquor and the same is stated to have been recovered from the house of co-accused, namely, Bachu Paswan and the petitioner has no connection with the said place of recovery as well as Bachu Paswan and recovery of the alleged liquor was not made from



his conscious possession and he has fair and clean antecedent and against him, the investigation has been completed. Further submissions are that there is no independent witness of the alleged recovery and the petitioner has been languishing in jail since 22.02.2023.

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

5. Considering the above submissions and mainly the completion of investigation against the petitioner and also the facts that the alleged liquor was recovered from the house of co-accused Bachu Paswan and petitioner has taken the plea that he has no connection with the said co-accused as well as his house, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail in connection with Excise Patna P.S. Case No. 295 of 2023, Special Case No.1869/2023 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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