

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25317 of 2023

Arising Out of PS. Case No.-163 Year-2022 Thana- TISIAUTA District- Vaishali

Nikesh Kumar @ Nitesh Kumar S/O Jagan Rai @ Jagarnath Rai Resident Of
Village- Barmatpur Khabra, P.S.- Muzaffarpur Sadar, District- Muzaffarpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Adv.

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

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
Tisiauta P.S. Case No. 163 of 2022 dated 07.12.2022 registered
for the offences punishable under Sections 467, 468, 471, 420
and 120(B) of the Indian Penal Code and Sections 30(a), 32(2)
(3), 36 and 41(1)(2) of Bihar Prohibition and Excise Act.

3. The main submissions advanced by learned
counsel for the petitioner are that the instant matter relates to the
recovery of total 2493 litres of *country made foreign liquor* and
the same is stated to have been recovered from a truck and the
petitioner was not apprehended from the said vehicle and as per
the allegation, two co-accused persons namely Arjun Bonik and
Babu Sona Sarkar were apprehended from the said truck in the
capacity of driver and co-driver and they disclosed the name of
this petitioner and according to them, the alleged seized liquor



was to be delivered to someone at the direction of this petitioner and on said basis, this petitioner was implicated in the alleged crime of smuggling which is completely unbelievable and unreliable and the petitioner has been remanded in the present matter from another P.S. case and he has been languishing in jail since 01.03.2023 and he is not named in the FIR and he was not arrested at the spot of recovery and against him, the investigation has been completed and he is a young person.

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

5. Considering the above submissions and mainly the completion of the investigation against this petitioner and also the facts that he was not apprehended at the spot of recovery and his name came into light in the statements of arrested co-accused persons and he is stated to be a young person, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail 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 in connection with Tisiauta P.S. Case No. 163 of 2022.

(Shailendra Singh, J)

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