

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35778 of 2023

Arising Out of PS. Case No.-370 Year-2021 Thana- BIBHUTIPUR District- Samastipur

NITISH KUMAR @ SATYAM S/O LATE SUBODH SINGH R/O Village-
Sakhmohan, P.S- Bibhutipur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-07-2023 Heard learned counsel appearing on behalf of the parties.

The petitioner seeks bail in connection with Bibhutipur P.S. Case No. 370 of 2021 registered for the offence under Sections 30(a), 32(ii), 32(iii), 36, 41(i) and 41(ii) of the Bihar Prohibition and Excise (Amendment) Act.

The accused/petitioner is named in the F.I.R. and is in custody since 02.03.2023.

The allegation against the petitioner is to be involved in illegal activities of illicit liquor along with other co-accused persons, where, total recovery of 4518 litres of illicit liquor alleged to be made from a truck having registration No.AS23AC-5259.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has already granted anticipatory bail by one of the learned co-ordinate Bench of this Court, through Cr. Misc. No. 64298 of 2022 dated 29.11.2022, with a direction to surrender before



learned trial Court within a period of 06 weeks from the date of order, thereafter, in the meantime, petitioner apprehended in Bihpur (Bhawanipur) P.S. Case No.25 of 2023 and as such the said order become infructuous, occasion to file prayer for regular bail.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner has already granted anticipatory bail in this case by one of learned co-ordinate Bench of this Court.

Considering the facts and circumstances as mentioned above, as petitioner has already granted anticipatory bail in this case by this Court, where, he is in custody since 02.03.2023, let the petitioner, above named, is directed to be released on bail in connection with Bibhutipur P.S. Case No. 370 of 2021, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge-I, Samastipur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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