

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35581 of 2023

Arising Out of PS. Case No.-308 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Nitish Kumar @ Satyam Son of Late Subodh Singh Village Sakhmohan Ps
Bibhutipur District 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. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

3 04-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Bibhutipur P.S. Case No. 308 of 2022/Excise G.R. No. 591 of
2022 registered for the offence under Section 30(a) of the Bihar
Prohibition and Excise Act.

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

4. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 441 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the



petitioner submitted that petitioner was not apprehend on spot and his name appears on the basis of suspicion raised by local *Chaukidar*. It is further submitted that similarly situated co-accused Prabhash Chandra has already granted anticipatory bail by one of the learned co-ordinate Bench of the Court through Cr. Misc. No. 55242 of 2022 vide order dated 28.11.2022. While concluding the argument, it has been submitted that petitioner found involved in 11 more criminal cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, and by taking note of the fact as alleged illicit liquor not appears to be recovered from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 02.03.2023, accordingly, above named petitioner is directed to be released on bail in connection with Bibhutipur P.S. Case No. 308 of 2022/Excise G.R. No. 591 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned



Special Excise Judge-I, Samastipur/concerned court, subject to
the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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