

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52886 of 2023

Arising Out of PS. Case No.-532 Year-2022 Thana- MASAUDHI District- Patna

NITISH KUMAR Son of Awadhesh Prasad Resident of village - Khainiya,
P.s. - Bhagwanganj, Distt. - Patna at present resident of vill - Shivand Chak,
Near Middle School, P.S. - Bhagwanganj, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dipak Kumar

For the Opposite Party/s: Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with
Masaurhi P.S. Case No.532 of 2022, registered for the offences
punishable u/s 30 (a) of Bihar Prohibition and Excise Amend-
ment Act, 2018.

3. Altogether 30 liters of country made liquor is said to
have been recovered from the room of the petitioner.

4. It is submitted by learned counsel for the petitioner that
the petitioner is quite innocent and has committed no offence.
No incriminating article has been recovered from the conscious
physical possession of the petitioner. He has no concern either
with the seized liquor or any trade of liquor. He has been falsely



implicated in this case at the instance of his enemy. He was not apprehended on the spot and his name transpired in the case only on the basis of secret information. He further submits that similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 02.10.2022 passed in Cr. Misc. No.62443 of 2022. Petitioner has one criminal antecedent of similar nature of offence.

5. Learned APP for the State opposed the prayer for grant of bail.

6. Having regard to the facts and circumstances of the case as the recovery has been made from the room of the petitioner, I am not inclined to enlarge the petitioner on bail. The prayer for grant of bail on his behalf is hereby rejected.

7. This application is, accordingly, dismissed.

(Anjani Kumar Sharan, J)

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