

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63670 of 2023

Arising Out of PS. Case No.-233 Year-2023 Thana- ROSHANGANJ District- Gaya

Nitish Kumar Son Of Jagarnath Yadav Resident Of Village- Tendua Pokhar,
Ps- Mofassil, Distt- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Bhushan

For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 10-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 414, 120(B) and 34 of the Indian Penal Code and Sections 30/32 of the Bihar Prohibition and Excise Act.

3. Prosecution case relates to recovery of 108 liters country made liquor from a Tempo vehicle bearing Reg. No. BR26B-3595 and this petitioner is said to be a liner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted that nothing has been recovered from the conscious possession of the petitioner and also he has no concern either with the said



vehicle or with seized liquor. There is no independent witness of the seizure list which violates the provision of 100 Cr.P.C. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 09.08.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Raushanganj (Bankebazar) P.S. Case No. 233 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No-3, Gaya.

(Sunil Kumar Panwar, J)

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