

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72615 of 2023

Arising Out of PS. Case No.-387 Year-2021 Thana- NAWADA District- Nawada

KARTIK KUMAR @ KARTIK CHAUDHARY Son of Shiv Chaudhary R/o
vill - Amipur, P.S. - Mufassil, Distt.- Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Nawada Town P.S. Case No. 387 of 2021 registered under sections 33, 34 and 36 of the Bihar Prohibition and Excise Act.

AS per allegation in the FIR, on getting secret information, police recovered six empty pouches of 200 ml of illicit liquor on the eve of holi from the vacant land adjacent to the house of Ramswarrop Yadav. Thereafter an FIR was registered against unknown.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner is not named



in the F.I.R. rather his name came in this case on the basis of confessional statement of other co-accused, namely, Arvind Yadav before the police. It is further submitted that nothing has been recovered from the conscious possession of the petitioner and also he has no concern with the seized article. Only on the basis of his criminal history, he has been dragged in this case. Moreover, he is languishing in judicial custody since 6.2.2023.

The application for bail is opposed by learned APP for the State and submitted that petitioner is a habitual offender as eighteen cases of like nature are pending against him.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Nawada (Town) P.S. Case No. 387 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 the learned Exclusive Special Excise Judge-1 Nawada.

(Sunil Kumar Panwar, J)

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