

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.76440 of 2023**

Arising Out of PS. Case No.-897 Year-2023 Thana- Excise P.S. District- Nalanda

Nitish Kumar S/O Rampravesh Prasad R/O Village- Mai, P.S- Rahui, Distt.-  
Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Hansraj

For the Opposite Party/s : Mr.Pradeep Narain Kumar

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      01-12-2023                      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 30(a) and  
32 of the Bihar Prohibition and Excise Act.

3. Prosecution case relates to recovery of 90 liters of  
country made liquor from e-Rickshaw.

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. Nothing has been recovered  
from the conscious possession of the petitioner and he has no  
concern with the seized liquor. There is no independent witness  
of the seizure list rather they are police personnel. A statement  
has been made in para-3 of this petition that the petitioner has



got no criminal antecedent. Moreover, the petitioner is languishing in judicial custody since 08.10.2023.

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 Excise P.S. Case No. 897 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 Additional District and Sessions Judge-4th-cum-special Judge Excise-2, Nalanda.

**(Sunil Kumar Panwar, J)**

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