

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80942 of 2023

Arising Out of PS. Case No.-165 Year-2023 Thana- INDUSTRIAL District- Bhagalpur

NITISH KUMAR S/O SURESH YADAV @ SURESH PRASAD YADAV
R/O VILLAGE- BHELWA (DELWA), WARD NO. 03, P.S.- MADHEPURA,
DISTRICT- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 15-12-2023 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 section 279, 337, 338 of the IPC and sections 30(a), 32(2) of the Bihar Prohibition and Excise Act.

3. According to the FIR, the petitioner is alleged to have been arrested from a Maruti Suzuki car bearing registration no. JH09M-1600 from where, 155 liters of illicit liquor was recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this



present case. He has got no criminal antecedent. Petitioner is only driver of the seized vehicle but he has no concern with the alleged recovery of illicit liquor. The owner of the seized vehicle has also been made an accused in this case. No any incriminating article has been recovered from conscious possession of the petitioner. The petitioner is languishing in judicial custody since 17.10.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Industrial P.S. Case No. 165 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 Exclusive Special Excise Judge-I, Bhagalpur.

(Sunil Kumar Panwar, J)

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