

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10962 of 2024

Arising Out of PS. Case No.-426 Year-2023 Thana- MANJHAGARH District- Gopalganj

Nitish Kumar @ Mitish Kumar Son of Devnath Mahto Resident of Vill-
Safapur P.S- Manjhagarh Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Singh, Adv.

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Manjhagarh P.S. Case No. 426 of 2023 instituted for the

offences under Section 30(a) of the Bihar Prohibition and

Excise Act, 2018.

3. As per prosecution case, the police has recovered

172.8 liter foreign liquor from the Scorpio vehicle bearing

Registration No. BR29PA-6484 and 276.48 liter foreign

liquor from the semi finished house. Thus, total 449.28 liter

foreign liquor has been recovered from the place of

occurrence.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case just on mere suspicion and self-confessional statement before the police.. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged recovery of wine or the Scorpio. The petitioner is not the owner of the vehicle. The semi-constructed house is also not belong to the petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 26.11.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on



bail on furnishing bail bonds of Rs.10,000/- (Ten thousand)
with two sureties of the like amount each to the satisfaction
of Court below/concerned Court in connection with
Manjhagarh P.S. Case No. 426 of 2023.

(Rudra Prakash Mishra, J)

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