

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9833 of 2024

Arising Out of PS. Case No.-318 Year-2023 Thana- KALYANPUR District- Samastipur

Nitish Kumar S/o Shankar Mahto R/o Village Rampura, P.S. - kalyanpur, Dist.
- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Pramod Kumar Singh, Advocate
For the State	:	Mr. Suresh Prasad Singh, APP

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

ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Kalyanpur P.S. Case No. 318 of 2023 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, there is recovery of total 134.25 liters of illicit foreign liquor from scooty.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 06-12-2023. Petitioner is stated to be man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present



case. Petitioner has no concern with the alleged recovered liquor. Petitioner is the owner of the vehicle in question. There is no compliance of Section 100 of the Code of Criminal Procedure, 1973. Other co-accused have been allowed bail by a Co-ordinate Bench of this Court *vide* order dated 02-02-2024 passed in Cr. Misc. No. 4443 of 2024.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner, claim based on parity and manner of implication, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Kalyanpur P.S. Case No. 318 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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