

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16023 of 2024**

Arising Out of PS. Case No.-311 Year-2023 Thana- RAJNAGAR District- Madhubani

Nitish Ray S/O- Chhedi Ray R/O- Village- Chapahi, P.S.- Andharathadhi,  
Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bhavesh Sah, Adv.

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

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

2      06-03-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with  
Rajnagar P.S. Case No. 311 of 2023 instituted for the offences  
under Sections 272, 273, 34 of the Indian Penal Code and  
Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered  
total 5483.880 liter illicit liquor from the truck bearing Regd.  
No. UP13CT-2384.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence as alleged  
against him and has falsely been implicated in the only on the  
basis of suspicion and the disclosures made by the local people.  
The petitioner was not arrested at the spot and has no concern  
with the alleged recovery of illegal wine or the seized vehicle in



question. He further submits that nothing incriminating has been recovered from the conscious possession of 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 31.12.2023. Charge-sheet has been submitted in this case.

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 Rajnagar P.S. Case No. 311 of 2023.

(Rudra Prakash Mishra, J)

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