

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17610 of 2024

Arising Out of PS. Case No.-634 Year-2023 Thana- RAJAON District- Banka

Nitish Kumar S/O Ramesh Kumar Sah R/O Village- Barhara Kothi, P.S-
Barhara Kothi, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Adv.

For the Opposite Party/s : Mr.Rajesh Kumar, APP

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

ORAL ORDER

2 11-03-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Rajoun (Nabada O.P.) P.S. Case No. 634 of 2023 (Spl.

Excise Case No. 662 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

altogether 83.250 liters of illicit foreign made liquor from the

secret box made in the Auto.

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 present case due to suspicion. The petitioner is neither owner nor driver of the alleged auto and, thus, has no concern with the seized liquor or the 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 15.12.2023.

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

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and 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 Rajoun
(Nabada O.P.) P.S. Case No. 634 of 2023 (Spl. Excise Case
No. 662 of 2023).

(Rudra Prakash Mishra, J)

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