

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.36382 of 2024**

Arising Out of PS. Case No.-47 Year-2024 Thana- KANHHAULI District- Sitamarhi

Nitish Kumar S/O Indal Das R/O Village- Ward No. 10, Ramnagara,  
Rasulpur, P.S- Sonbarsa, Distt.- Sitamarhi.

... .. Petitioner/s  
Versus  
The State Of Bihar

... .. Opposite Party/s

**Appearance :**  
For the Petitioner/s : Mr. Ayush Kumar, Advocate  
For the Opposite Party/s : Mr. Dashrath Mehta, APP

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

ORAL ORDER

2      13-05-2024      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in Kanhauli P.S. Case No.  
47 of 2024, instituted for the offences punishable under Section  
414 of the Indian Penal Code and Section 30(a) of the Bihar  
Prohibition and Excise Act.

3. The prosecution case, in short, is that, 396 liters  
liquor was recovered from motorcycle and bush out of which 72  
liters liquor was recovered from the motorcycle of the petitioner.  
The petitioner was apprehended on spot.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in the



present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. It is further submitted that the petitioner is not the owner of the seized motorcycle and bush in question. The petitioner is in custody since 25.03.2024 and has got five criminal antecedents in which the petitioner is on bail in four cases. There is no compliance of Section 100 of Cr.P.C.

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

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kanhauli P.S. Case No. 47 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the  
bail bonds of the petitioner.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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