

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 38764 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- BHAPTIAHI District- Supaul

Nitish Kumar Son of Ram Prakash Yadav Resident of Village - Hariraha,
Police Station - Karjain, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-05-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks regular bail in connection with
S.T (Excise) 374 of 2024, arising out of Bhaptiyahi P.S. Case
No. 79 of 2024, lodged on 01.04.2024 under Section 279, 337,
338 of the I.P.C & U/S-30(a) of Bihar Prohibition and Excise
Act, 2016.

3. As per prosecution, FIR has been lodged against the
two named accused persons, including the present petitioner.
The total recovery of 327 litres of wine has been subject matter
of present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that he has unnecessarily been made accused at the



instance of the police. Learned counsel next submits that antecedent of the petitioner is clean and he is in custody since 01.04.2024.

4. Learned counsel for the State opposes the prayer of bail and submits that petitioner has been arrested on the spot and recovery of wine has been made from the Swift Desire vehicle.

5. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be granted bail, but only after framing of charge, if not framed, on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Court No.1, Supaul, in connection with S.T. (Excise) 374 of 2024, arising out of Bhaptiyahi P.S. Case No. 79 of 2024, subject to the conditions as laid down U/s 437(3) of Cr.P.C.

(Dr. Anshuman, J)

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