

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41995 of 2024

Arising Out of PS. Case No.-113 Year-2023 Thana- GARHI District- Jamui

Nitish Kumar Son Of Kishor Yadav @ Kishori Yadav Resident Of Village -
Ketaribank, Police Station - Khaira, District - Jamui

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

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

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

ORAL ORDER

2 19-06-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in Garhi P.S. case No.
113 of 2023 instituted for the offences under Sections 272,
273 of the Indian Penal Code and 30(a) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that 50 liters
liquor was recovered from the motorcycle and the name of
the petitioner has come after local Chowkidar named him.

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 motorcycle in question does not belong to the petitioner. The petitioner is in custody since 25.04.2024 and has got three criminal antecedents. There is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Garhi P.S. case No. 113 of 2023 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)

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