

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48517 of 2024

Arising Out of PS. Case No.-158 Year-2024 Thana- BODHGAYA District- Gaya

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Nithis Kumar @ Karu Son Of Lakhan Yadav Resident Of Village -
Seikhwara, P.S. - Magadh University, District - Gaya, Pini Code - 824234

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav

For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-07-2024 Heard the parties.

2. The petitioner seek bail in connection with Bodh Gaya P.S. Case No. 158 of 2024, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. The petitioner is named in the F.I.R. and are in custody since 20.04.2024.

4. The allegation against the petitioner is to involve in illegal trading of illicit liquor, wherein 1.125 litres of illicit liquor alleged to be recovered from the straw house of one co-accused Pappu Kumar.

5. Learned counsel appearing on behalf of the



petitioner submitted that to aggravate the allegation while petitioner apprehended by police in Magadh University P.S. Case No. 56 of 2024, falsely implicated in present case, without having any *prima-facie* connecting evidence. It is submitted that on the basis of confessional statement the alleged recovery of illicit liquor was made from the straw house of co-accused, which is *prima-facie* appears an open place belongs to co-accused and as such it can't be said that alleged illicit liquor was recovered from the physical conscious possession of the petitioner.

6. Learned APP opposes the prayer of bail.

7. Considering the aforesaid facts and circumstances, as recovery of illicit liquor not appears to be made *prima facie* from the conscious physical possession of these petitioner, accordingly, above named petitioner is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction



of the learned Special Excise Court No. 1,
Gaya/concerned court, in connection with Bodh Gaya
P.S. Case No. 158 of 2024, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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