

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64118 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- BAIRGACHHAI District- Araria

Nitesh Singh @ Nitish Singh Son of Indal Singh Resident of Village - Gurum Basti Ward No.- 03, Police Station - Pradhan Nagar (Silliguri), District - Darjeeling (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Adv
Mr. Dhuraj Kumar, Adv.
For the Opposite Party/s : Ms. Meena Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-09-2024

Heard the parties.

2. The petitioner seeks bail in connection with Araria (Bairagachhi) P.S. Case No. 14 of 2024 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

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

4. The allegation against the petitioner is to be engaged in illegal trading of illicit liquor, where, there is recovery of 612 litres of country made liquor/IMFL.

5. Learned counsel appearing on behalf of the



petitioner submitted that petitioner was implicated in present case only being co-driver/helper of the alleged vehicle from where illicit liquor was recovered. It is submitted that the name of petitioner was disclosed by the driver of the vehicle . It is submitted that nothing surfaced during the course of investigation which may suggest that petitioner was under knowledge for carrying consignment of illicit liquor and as such it can be safely said that the recovery of illicit liquor was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent, moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP, opposes the prayer of bail.

7. In view of aforesaid facts and circumstances as recovery of illicit liquor appears prima-facie doubtful from the conscious physical possession of the petitioner, who is a man of clean antecedent, coupled with the fact



that investigation is already completed where petitioner is in custody since 20.04.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Araria (Bairagachhi) P.S. Case No. 14 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-I, Araria/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C/Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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