

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2576 of 2024

Arising Out of PS. Case No.-410 Year-2023 Thana- KAUWAKOL District- Nawada

Nitish Yadav alias Nitish Kumar Son Of Umesh Yadav Resident Of Village-
Gudighat, P.S.- Kawakole, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar Sinha, Advocate

For the Opposite Party/s : Mrs.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Kawakole P.S. Case No. 410 of 2023, registered on 07.07.2023 for the offences under Sections 30(a)/41 of Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, police received information about petitioner and other co-accused persons transporting illicit liquor on a motorcycle and Maruti car. Police went to verify the information and found two persons ridding the motorcycle and one of them was apprehended and the one person fled away taking advantage of darkness. The apprehended co-accused Vikky Kumar named the petitioner,



who escaped from the spot, and from the motorcycle recovery of 50 litres of country made Mahua liquor was made. Subsequently, a Maruti car was also intercepted and from it recovery of 150 litres of country made Mahua liquor was made. Two persons fled away from the Maruti car.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner is on inimical term with co-accused Vikky Kumar, who has named him in his confessional statement. Nothing was recovered from the conscious possession of the petitioner and neither the motorcycle nor the recovered Maruti car belonged to him. The petitioner has got criminal antecedent of one case.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is accused one another case of similar nature.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned



within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise, Court-2, Nawada/concerned court in connection with Kawakole P.S. Case No. 410 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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