

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3643 of 2024

Arising Out of PS. Case No.-137 Year-2023 Thana- BATH District- Bhagalpur

Nikesh Kumar SON OF Sri Shankar Mahto RESIDENT OF VILL-MALPUR,
PS- DALSINGSARAI, DISTT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

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

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition & Excise Act.

3. The petitioner is said to have been apprehended with a vehicle bearing Registration No. BR01PA-5876 from where, total 95.5 liters of illicit liquor was recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this present case. Petitioner is only driver of the seized vehicle but he has no concern with the alleged recovery of illicit liquor. No any incriminating article has been recovered from his



possession. The petitioner is languishing in judicial custody since 31.10.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer of Bail.

6. The petitioner is directed to deposit a sum of **Rs 5,000/- (Five Thousand)** in the District Legal Services Authority of concerned District.

7. Considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bath P.S. Case No. 137 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Bhagalpur.

8. The bail bonds of the petitioner shall be accepted by the learned court below on showing the receipt of deposit of **Rs. 5,000/- (Rs. Five thousand)** by the petitioner in the account of the concerned DLSA.

(Sunil Kumar Panwar, J)

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