

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4806 of 2025

Arising Out of PS. Case No.-210 Year-2024 Thana- NOORSARAI District- Nalanda

Nitish Kumar, S/O Late Kishori Yadav, R/O Village- Malbigha, P.S-
Noorsarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Noorsarai P.S. Case No. 210 of 2024, registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, police received secret information about six persons manufacturing and selling country made liquor. A raid was conducted at the identified place and six persons fled away from the spot. On search of the place, recovery of 205 litres of country made *chulai* liquor and the implements for manufacturing the illicit liquor were made. On inquiry from the villagers and *chowkidar*, name of the petitioner was disclosed as the person who fled away from the



spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from the person or possession of the petitioner. Recovery has been made from an abandoned place. The petitioner has been named in this case merely on suspicion. No offence under Bihar Prohibition and Excise Act is made out against the petitioner. The petitioner is having antecedent of five cases in which he is on bail. The petitioner is in custody since 13.12.2024.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that no recovery has been shown from the petitioner and further considering the lack of substantive material to connect the petitioner with the offence as alleged and further considering the period of custody of the petitioner, the petitioner is directed to 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 learned 4th Additional Sessions Judge-cum-



Special Judge Excise-II, Nalanda at Biharsharif/concerned court
in connection with Noorsarai P.S. Case No. 210 of 2024, subject
to the conditions mentioned in Section 437 (3) of the Code of
Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the close relative
of the petitioner.
- (ii) The petitioner will remain present on each
and every date fixed by the court below.
- (iii) In case of absence on three consecutive
dates or in violation of the terms of the bail, the
bail bond of the petitioner will be liable to be
cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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