

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8751 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- LAURIA District- West Champaran

Nitu Prasad @ Nitu Gupta, Son of Daroga Prasad, resident of Village -
Loharpatiya, Police Station -Lauriya District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Lauriya P.S. Case No. 1 of 2024 registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 25.74 liters of IMFL/country-made liquor.

4. It is submitted by learned counsel that the recovery of alleged illicit liquor was made from an open place as per seizure list. It is submitted that the petitioner found involved in four more criminal cases out of which, two are of



same nature and due to suspicion arising out of aforesaid criminal cases, he was implicated with present case also. It is submitted that ordinarily privilege of bail should not be denied to the accused/petitioner, if merit appears in favour, merely on the ground of his criminal antecedents. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme court as available through **Prabhakar Tewari vs. State of U.P. & Ors. [(2020) 11 SCC 648]**.

5. Learned APP opposed the prayer for bail of the petitioner.

6. In view of aforesaid factual submissions and by taking note of fact as recovery of alleged illicit liquor *prima facie* not appears to be made from physical possession of this petitioner, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-II, Bettiah, West Champaran in connection with Lauriya P.S. Case No.1 of



2025, subject to the conditions as laid down under Section
438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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