

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16295 of 2025

Arising Out of PS. Case No.-3 Year-2024 Thana- Excise Thana Hajipur District- Vaishali

Nitish Kumar @ Nitesh Kumar son of Sanjay Rai @ Sanjay Kumar village-
Shahpur Diyar, Pahleja, Ps- sonpur, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Prasad Sinha
For the Opposite Party/s : Mr. Satyendra Narayan Singh

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 27-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Hajipur
Excise P.S. Case No. 03 of 2024, instituted for the offences
punishable under Sections 30(a), 32(3) and 41(1)(2) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that, 198.720
liters liquor was recovered from car.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got
no concern with the alleged recovery of liquor. Learned counsel



for the petitioner also submits that the petitioner is neither owner nor driver of the vehicle in question. The petitioner was not arrested from the place of occurrence. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused person and the same has got no evidentiary value. The petitioner is in custody since 13.02.2025 and has got two criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Hajipur Excise P.S. Case No. 03 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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