

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26047 of 2025

Arising Out of PS. Case No.-7 Year-2025 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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Nitish Kumar Son Of Shib Paswan Resident Of Village-Bankipur Gorakh,
Ward No-12, P.S.-FATUHA, Dist-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr.Parmanand Kumar, APP

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

ORAL ORDER

2 25-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in GRPS Rail Bakhtiyarpur
P.S. case No. 07 of 2025 instituted for the offences under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 121.05 liters
liquor was recovered from several jute sack and bags in which
17.25 liters liquor was recovered from the petitioner.

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. It is



further submitted that recovery is made from an open place, accessible to one and all. The petitioner is in custody since 24.01.2025 and has got no criminal antecedent. There is no compliance of Section 103 of B.N.S.S., 2023. Co-accused has been granted bail by this Bench vide order dated 04.04.2025 passed in Cr. Misc. No. 20848 of 2025.

5. Learned A.P.P. 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with GRPS Rail Bakhtiyarpur P.S. case No. 07 of 2025.

(Rudra Prakash Mishra, J)

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