

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32254 of 2025

Arising Out of PS. Case No.-212 Year-2025 Thana- Excise P.S. District- Gaya

Nitish Kumar, aged about 22 years (Male), Son of Upendra Yadav @ Upendra Prasad, Resident of Village -Jituyabigha Gandhar Arazi, Police Station-Ghosi, District-Jehanabad (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Abhay Kumar Singh, Advocate
For the Opposite Party : Mr. Sanjay Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 03-07-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Excise P.S. Case No. 212 of 2025 dated 24.02.2025 registered for the offences punishable under Sections 30(a) and 32 (3) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 63 litres of foreign liquor was recovered from the Maruti Swift Dzire Car on which the petitioner and other co-accused Rajesh Yadav were sitting.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is the driver of the said car and he had no knowledge that the illegal liquor was kept in the said car.



No incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the alleged offence. The other co-accused person, namely, Rajesh Yadav has already been granted bail by a Bench of this Court in Cr. Misc. No. 25677 of 2025 vide order dated 29.04.2025. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 25.02.2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise, Court No. 3, Gaya, in connection with Excise P.S. Case No. 212 of 2025.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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