

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37606 of 2025

Arising Out of PS. Case No.-564 Year-2023 Thana- MADANPUR District- Aurangabad

Nitish Kumar @ Nitish Kumar Singh @ Nitesh Kumar @ Nitesh Kumar
Singh S/O Bhola Singh R/O Vill.- Uchali, P.s.- Madanpur, Dist.- Aurangabad.
... .. Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukul Kumari

For the Opposite Party/s : Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 27-06-2025
1. Heard learned counsel for the parties concerned.
 2. This is the second attempt for grant of regular bail on behalf of the petitioner. Earlier, the regular bail of the petitioner was rejected by this Court on 27.02.2025, in Cr. Misc. No. 860 of 2025, with liberty to renew his prayer for bail after three months from today.
 3. The petitioner seeks regular bail in connection with Madanpur P.S. Case No. 564 of 2023, G.R. No. 1394 of 2023, dated 28.12.2023, registered for the offence under Section 30(a), 34, 36 of the Bihar Prohibition and Excise Amendment Act 2022.
 4. The prosecution story, as per the first information report, is that on secret information that the petitioner has kept spirit in front of his house in the



heap of straw, the informant reached at the place of occurrence and saw that the petitioner along with the co-accused were fleeing away upon seeing the police party. It is further alleged that the co-villagers disclosed the name of petitioner and other co-accused to the police. It is also alleged that a total quantity of 455 liters of spirit and 3 liters of foreign liquor were recovered from beside the southern side of the house the petitioner.

5. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and he has no concern with the seized spirit and liquor. Learned counsel further submits that illicit material has not been recovered from conscious possession of the petitioner rather it has been recovered from in front of his house. The petitioner has been implicated in this case only on the basis of secret information. The petitioner is in custody since 23.11.2024. The bail application of the petitioner was earlier rejected by this Court vide order, dated 27.02.2025, in Cr. Misc. No. 860 of 2025 giving liberty to the petitioner to renew his



prayer after three months.

- 6. Regard being had to the submission made by the parties and taking into consideration the fact that the petitioner is in custody since 23.11.2024 and this is second bail application moved after three months, I am inclined to grant regular bail to the petitioner.
- 7. The bail application is, accordingly, allowed.
- 8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned District and Sessions Judge -cum- Exclusive Special Judge, Excise Court I, Aurangabad, in connection to the Madanpur Police Station Case No. 564 of 2023.

(Anil Kumar Sinha, J)

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