

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39940 of 2025

Arising Out of PS. Case No.-765 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Nitesh Kumar @ Nitish Kumar S/O Laudik Mukhiya @ Lorik Mukhiya
Resident of Village- Harkaina, P.S.- Muffasil, Distt-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Rathore Alias Kundan Kumar, Adv.
For the Opposite Party/s : Mr.Bharat Lal, APP

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

ORAL ORDER

2 27-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Muffasil P.S. Case No.
765 of 2023, instituted for the offences punishable under
Sections 30(a), 32 and 41(1) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that, 20 liters
liquor was recovered from the place of occurrence near palm
tree in Harkaina Chawar.

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 the alleged place of recovery is an open place which is accessible to everyone and name of the petitioner has transpired on the basis of disclosure made by local *Chowkidar*. The petitioner is in custody since 12.03.2025 and has got one criminal antecedent in which the petitioner is on bail. There is no compliance of Section 103 of the B.N.S.S.

5. Learned counsel for the petitioner again submits that the co-accused namely Krishna Mukhiya has been granted bail by this Court vide order dated 09.04.2024 passed in Cr. Misc. No. 27420 of 2024.

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

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner as also the prayer for bail being based on parity, this Court is inclined to grant bail to the petitioner.



8. 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 Muffasil P.S. Case No. 765 of 2023.

(Rudra Prakash Mishra, J)

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