

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45017 of 2025**

Arising Out of PS. Case No.-100 Year-2024 Thana- SALAIYA District- Aurangabad

Nitish Yadav @ Nitish Kumar S/O Shivnandan Yadav R/O Village-Gajraj
bigha, P.S.- Salaiya, Distt-Aurangabad(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Aman Vishal, Advocate
For the State : Mr. Anuj Kumar Shrivastava, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 22-08-2025 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. appearing on behalf of the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. As per prosecution case, 25 litres illicit country
made liquor was recovered from possession of co-accused
person who disclosed the name of this petitioner as one of his
accomplice.

4. It is submitted by learned counsel appearing on
behalf of the petitioner that petitioner is quite innocent and has
committed no offence. No incriminating article has been
recovered from conscious possession of this petitioner and he
has falsely been implicated in this case merely on the basis of



confessional statement of co-accused person. Except confessional statement, there is no material on record to show the complicity of this petitioner in the alleged occurrence. It is further submitted that charge-sheet has already been submitted and petitioner is in custody since 14.05.2025.

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

6. Considering the nature of accusation, the fact that no incriminating article has been recovered from conscious possession of this petitioner and period of custody, the prayer for grant of bail to the petitioner is allowed.

7. Accordingly, let the above named petitioner be enlarged 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 Additional Sessions Judge-cum-Exclusive Special Judge, Excise Court No. 1, Aurangabad in connection with Salaiya P.S. Case No. 100 of 2024.

(Prabhat Kumar Singh, J)

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