

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55023 of 2025

Arising Out of PS. Case No.-236 Year-2022 Thana- KHARIK District- Bhagalpur

Nitish Kumar S/o Satish Singh R/o Village- Jagatpura, P.S.- Matihani,
District- Begusarai, Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh, Adv

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-09-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Kharik

P.S. Case No. 236 of 2022 registered for the offences under

Sections 420, 467, 468 and 120(B) of the Indian Penal Code and

Sections 30 (a), 36, 32 and 41 of the Bihar Prohibition and Excise

Act.

3. The petitioner is named in the F.I.R. and is in custody

since 24.05.2025.

4. The allegation against the petitioner is to be engage

in illegal trading/manufacturing of illicit liquor, where, there is

recovery of 724.5 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioner

submitted that name of petitioner disclosed in the present case by

apprehended accused person and he was not arrested on spot,

therefore, it can be safely gathered that recovery of illicit liquor

was not made from the conscious physical possession of this

petitioner. It is further submitted that seizure list appears doubtful

being not supported by independent witnesses rather by police



personnel. While concluding the argument it is submitted that petitioner found involved in two more cases, where he is on bail and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and by taking note of fact as prima-facie recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, coupled with the fact as petitioner is in custody since 24.05.2025, accordingly, petitioner, above named, is directed to be released on bail in connection with Kharik P.S. Case No. 236 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special, Excise Judge-01, Bhagalpur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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