

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87312 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- TELMAR District- Nalanda

Nitish Kumar S/O Mudrika Singh Resident Of Village-Tilhar, Police Station-
Khushrupur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

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

ORAL ORDER

2 07-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Telmar P.S. Case No. 73 of 2024 instituted for the offences
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. As per prosecution case, the police has recovered
total 80 litres of illicit liquor from the tempo bearing Regd.
No. BR-01PL-0134.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has committed no offence as
alleged against him and has falsely been implicated in the



present case. The petitioner is the driver of the seized vehicle but, had no knowledge of the illicit liquor being kept in the same. The petitioner is not the owner of the seized vehicle. The petitioner has also no concern with the recovered liquor. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 23.10.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of Court
below/concerned Court in connection with Telmar P.S. Case
No. 73 of 2024.

(Rudra Prakash Mishra, J)

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