

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2354 of 2025

Arising Out of PS. Case No.-165 Year-2024 Thana- Lakho District- Begusarai

Nitish Kumar @ Nitesh Kumar S/O Chanaklal Ray Resident of Village-
Raipur Bazury, P.S- Saray Ranzan, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhusan Poddar, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

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

ORAL ORDER

2 31-01-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with
Lakho PS Case No. 165 of 2024 instituted for the offences
under Sections 30(a), 32(3), 41(1) and 41(2) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that total 891
litres of foreign liquor was recovered from truck whereas 18
litres was recovered from Swift Dzire Car.

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 submitted that petitioner is neither the owner nor the driver of the seized Swift Dzire Car Registration No. BR31AV- 4017 as well as seized truck Registration No. WB23B-6814. It is further submitted that petitioner is the passenger of the seized car and he has no knowledge regarding the nature of goods kept in the vehicle. The petitioner is in custody since 01.11.2024 and has got no criminal antecedent. There is no compliance of Section 103 of B.N.S.S. Other co-accused has been granted anticipatory bail by this Court *vide* order dated 24.01.2025 passed in Cr. Misc. No. 2877 of 2025.

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

6. Considering the aforesaid facts and circumstances of the case, clean antecedent of the petitioner and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction



of Court below/concerned Court in connection with Lakho
PS Case No. 165 of 2024.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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